The Adyar Library Series—No. 66

General Editor:

G. SRINIVASA MURTI, B.A., B.L., M.B. & C.M., Vaidyaratna

Director, Adyar Library

INDIAN CAMERALISM

A SURVEY OF SOME ASPECTS OF ARTHAS'ĀSTRA

INDIAN CAMERALISM

A SURVEY OF SOME ASPECTS OF ARTHAS'ĀSTRA

READERSHIP LECTURES, CALCUTTA UNIVERSITY

BY

K. V. RANGASWAMI AIYANGAR

THE ADYAR LIBRARY

1949

Price Rs. 7

Printed by C. Subbarayudu, at the Vasanta Press,
The Theosophical Society, Adyar, Madras

FOREWORD

PROFESSOR K. V. RANGASWAMI AIYANGAR'S lectures now published deal with the sociological ideas of ancient India from original sources, and particularly from the standpoint of *Arthaśāstra*. They were delivered by him as a Special Reader in Calcutta University in 1934, and have to be read with his other studies, which preceded and followed these lectures. They are the Sir S. Subramanya Aiyar Lectures on *Ancient Indian Polity*, delivered in the University of Madras in 1914 (first published in 1916, and issued in a second edition in 1935) and the Manindra Lectures on *Aspects of Ancient Indian Economic Thought*, delivered in the Benares Hindu University in 1927 (published in 1934) as well as his later Krishnaswami Row Lectures on *Rājadharma*, given before the University of Madras in 1938 and published by the Adyar Library in 1941. Owing to his many pre-occupations, the Calcutta University lectures could not be sent to the press for over the full Horatian period. To suit his convenience, Professor Rangaswami Aiyangar has secured from the Syndicate of the Calcutta University permission to publish them, and he has transferred the work to the Adyar Library.

A word of explanation of the title that he chose for these Lectures is necessary to save misunderstanding in these days of constitution-making. *Cameralism* represents the ideas of a school of social thought, which had a great vogue

on the continent of Europe from the 15th to the 18th centuries to which German Economics is indebted. Knowledge of it was scanty in English speaking countries till recently. The name is derived from German *kammer* (Latin *camera*), 'chamber,' which was the designation of the administrative and advisory body of experts which was found in most German states towards the end of the Middle Ages, and which was further developed by the emperor Maximilian at the beginning of the sixteenth century and became influential in the Austrian dominions both within and outside Germany. The *Kammer* dealt not only with purely economic questions like agriculture and industry, finance and taxation but also with police and law. Cameral writings present a greater resemblance to *Arthas'āstra* than to either Economics or Politics, which have been used as its English equivalents. Professor Rangaswami Aiyangar stresses the wider sense of *Arthas'āstra*, and from its greater resemblance to German Cameralism, he has given the title *Indian Cameralism* to the study, largely based on *Arthas'āstra*, the results of which he placed before the Calcutta University in 1934.

Adyar Library G. SRINIVASA MURTI

6th February, 1949 *Honorary Director*

PREFACE

THE lectures on Indian Cameralism now published were given in the form of Readership Lectures in the University of Calcutta. They were written out as six lectures, but were delivered in the Library Hall of the Darbhanga Buildings of the University on four consecutive evenings from the 12th March 1934. The course was opened and closed by the Vice-Chancellor, the late Sir Hassan Suhravadhy, Kt., O.B.E., LL.D., M.D., F.R.C.S.I., who took the chair on both occasions. In the absence of the Vice-Chancellor for part of the lectures on both days, and on the intervening days, Principal J. R. Banerjee of the Vidyasagar College, Dr. W. S. Urquahart, Principal of the Scottish Churches College, Dr. Pramathanath Banerjee, University Professor of Economics, and Dr. D. R. Bhandarkar, Carmicheal Professor of Ancient Indian History, presided.

Under the Regulations of the University the lectures given by a University Reader appointed by the Senate (as I was) are to be printed by the University. The attention that the lectures then received in the press and in presidential remarks, largely owing to the challenging nature of some of my conclusions, made me feel that when printed the authorities for the statements should be given as footnotes. The lectures had been written when, after thirty-three years of service, I entered on leave preparatory to retirement from the Travancore Educational Service. The footnotes were not

added when the lectures were written. I required some leisure for it. But, within a year of the delivery of the lectures, I accepted the invitation of Pandit Madan Mohan Malaviya to accept the appointments of Principal and head of the Economics Department in Benares Hindu University, as University Professor. The heavy work that devolved on me made it difficult to take up the task. When I retired from the University in 1938, I was in bad health. When hardly convalescent, I was induced to take up the organization of the Sri Venkaṭeswara Oriental Institute at Tirupati, and its headship as Director. Before I retired from Travancore service, I had begun editing the *Vyavahāranirṇaya* of Varadarāja, the most important digest on the subject emanating from South India, and had also undertaken, on the invitation of H. H. Sir Sayaji Gaekwar, the late Maharaja of Baroda the editing of the *Kṛtya-Kalpataru* of Lakṣmidhara, the oldest surviving digest of *Dharmas'āstra* and one of the largest, and the reconstruction of the great *smṛti* of Bṛhaspati, which has existed for centuries only in the form of quotations. These have been appearing since then in the Gaekwad's Oriental Series, and have absorbed the scanty leisure that my offcial duties permitted. In the interval, other lectures on kindred subjects had to be given before academic audiences, at Madras, Mysore, Lucknow and Baroda. These combined to make me lay aside the work of preparing the Calcutta Readership Lectures for the Press for more than the Horatian term of twelve years. As it was difficult for me to supervise the printing of the lectures from a great distance, I requested in December, 1946 the Syndicate of the University of Calcutta to make over the copyright of the lectures to me so that I might transfer it to the Adyar Library, to which I had already given the copyright of *Vyavahāranirṇaya* and the lectures on

Rājadharma given by me before the University of Madras. The Syndicate very generously gave me the permission on the 28th June, 1946. The Adyar Library began printing the lectures in instalments in its quarterly journal, *Brahmavidyā*, owing to the difficulties of printing and the scarcity of paper. The lectures are thus appearing fourteen years after they were delivered at Calcutta.

The lectures were given the title of *Indian Cameralism*, a name first suggested for *Arthaśāstra* by the late Professor Sir J. C. Coyajee, from its resemblance to German Cameralism. The title intrigued many readers, who read newspaper reports of the lectures at the time of their delivery. "The name *Cameralist*," as explained by Dr. Edwin Cannan, "is derived from *Camera*, the king's chamber, in which he was thought to spend his time discussing with his Ministers the ever-present problem of how to make ends meet. . . . Cameralists are those who wrote from the view point of ministers of State." "The Cameralists (as contrasted with the Mercantilists, thought of the State in the first place."[1]

This definition is somewhat rough and is not an exact description of Cameralism as it was developed in four centuries of assiduous cultivation in the lands of the Holy Roman Empire. This will be seen from Lecture I. But it indicates one of the features that made it a better equivalent for *Arthaśāstra* than "Polity" or "Political Science" or "Political Thought" with which it had been equated ever since its study came into prominence—and almost into an academic "fashion"—after the publication of Kauṭilya's *Arthaśāstra* by Dr. R. Shama Sastri in 1909.

Wrong synonyms are apt to lead to misconceptions of the content and outlook of branches of knowledge. It has

[1] *Review of Economic Theory*, p. 13.

been so with *Arthas'āstra*. My interest in it was roused in my college days, when I had to study the *Mudrārākṣasa* and I saw the grim humour of the dramatist, who concealed under a veneer of Bismarckism the outlines of the character of the great Mauryan King-maker and patriot, who lived the life of the true *Brāhmaṇa* teacher, which only a close study of the play would reveal. A Mysore friend (the late Mr. Sambasiva Sastri), who came to me in 1901 for tuition in Economics repeated to me some *sūtras* from the *Arthas'āstra*, of which a solitary manuscript (the one subsequently edited by Dr. Shama Sastri) had been secured by the Mysore Government Oriental Manuscripts Library. In 1904, I began its study from a transcript of this manuscript, procured for me by a former pupil, Mr. M. S. Krishnamacharya B.A., B.L. In 1905, it was seen with me by a University Commission that visited H.H. the Maharaja's College, Trivandram. It was intrigued by my description of it as the work of an Indian contemporary of Aristotle, on Politics and Economics. Mr. V. P. Madhava Row, C.I.E., then the Dewan of Travancore (who accompanied the University Commission) and Dr. H. J. Bhaba, Inspector-General of Education in Mysore, who was a Member of the Commission, noted the name and particulars, and its printing was ordered at once. Printed forms of the work were sent to me, long before its release for publication. The first use that was made by my study of the *Arthas'āstra* was for my class lectures. In 1912, I was asked to inaugurate the first research lectureship founded in the University of Madras, and named after Dr. S. Subramanya Aiyar. I made the *Arthas'āstra* my theme, and dealt with some aspects of it in two lectures on *Ancient Indian Polity*, which were delivered in 1914. The lectures were printed with elaborate notes in 1916 (New edition, 1935). They attracted much attention.

In 1925, I was invited to give a course of lectures under the Manindra Chandra Foundation in Benares Hindu University. I chose the *Economic* aspects and teachings of *Arthas'āstra* for the course. The lectures were published by the university in 1934 with the title, *Ancient Indian Economic Thought.* The approach through *Arthas'āstra* to the study of ancient Indian ideas on economics and polity in the two lectures named, was continued in the wider survey of *Indian Cameralism.* The three may be roughly described as studies in aspects of ancient Indian polity, economics and society.

In the quarter century that separates the publication of Kauṭilya's *Arthas'āstra* (1909) and the delivery of the lectures on Indian Cameralism, *Arthas'āstra* had come to obtain an important place in the curricula of studies in Indian universities. The older texts on *Nitis'āstra* were so to speak, resurrected, and studied in conjunction with Kauṭilya's work, of which translations in other languages, Indian and European, also appeared. Mahāmahopādhyāya, Dr. T. Ganapati Sastri, conducted (on my suggestion) a search for other manuscripts of Kauṭilya's work, and embodied his discoveries in a new edition of the classic (1924-25) with a commentary of his own, in which he used an ancient Malayalam commentary, which must have embodied much traditional interpretation of Kauṭilya's work. About the same time came the *Index Verborum* to the Kauṭilīya by Dr. R. Shama Sastri, and the fragments of the old commentaries on the *Arthas'āstra* by Bhaṭṭasvāmin (ed. K. P. Jayaswal and A. Banerji Sastri, 1926) and by Mādhava-yajvan, (the *Nayacandrikā*, ed. J. Jolly and Pt. Udayavira Sastri 1924). Kāmandaka's *Nītisāra*, which Dr. Rajendralala Mitra had published (*Bibliotheca Indica*, 1861) with an anonymous commentary, was re-edited with the ancient commentary of S'aṅkarārya (the commentator

of Kālidāsa's *Kumārasambhava*) in 1912. Manmathanath Dutt published his English translation of the *earlier* edition of this work in 1896. The baffling *S'ukranītisāra*, which Dr. G. Oppert had published in 1882, appeared in new editions and an English translation by B. K. Sarkar (1914). Somadeva's *Nītivākyāmṛta*, a 9th century work that gave in epigrammatic prose the teachings of earlier writers on *Arthas'āstra*, came out first in the *Grantharatnamālā* serial, and in 1923 with a commentary full of *bogus* quotations. Floating verses of practical wisdom, fathered on Cāṇakya (Kauṭilya) have been current in several collections as *Cāṇakya-nīti*. D. T. Ganapati Sastri's printer published an edition of it in 1912, which Dr. Shama Sastri reproduced in the 2nd edition of Kauṭilya's *Arthas'āstra* (1919). Other recensions of it were published by Jibananda Vidyasagar in 1907, by Isvaracandra in 1919 and by Dr. J. van Manen in 1926. Dr. J. Hertel's critical reconstruction of the *Pañcatantra*, which embodied much *Arthas'āstra* teaching, appeared between 1908 and 1915. A great literature on Kauṭilya sprang up in many languages (see Bibliography to my *Ancient Indian Polity*, ed. 1935).

The discovery and development of *Arthas'āstra* studies in our generation have coincided with the resurgence of Indian nationalism. While it has stimulated the study of the subject, it has also endangered the correct perception of its teachings, affiliations and methods. Incorrect notions gained ground and have become almost 'academic myths.' The attitude of *Arthas'āstra* to absolutism has been understood in a haze created by wrong interpretation and by the resurrection of legends which grew round Cāṇakya (Kauṭilya)—to some of which the dramatist Vis'ākhadatta and the irony of Daṇḍin gave wide currency. Its position in the orthodox canon, its relations to *Dharmas'āstra*, its attitude to the fundamental

aims of life (as conceived in Ancient India), its "secularism," its adaptability to environment and circumstances, its conception of law and the legislative power of the State and its ethics have been incorrectly grasped. The influence of authority on opinion is almost like that of popular slogans often repeated and shouted. The repercussions of such views on conceptions of the Indian State and social order, and on ethical standards became visible in current comments. There was therefore need to re-examine the problems that lie behind these concepts. Analogy with Cameralism suggested not only a means of approach in study and presentation, but the comparison was illuminating. Western Cameralism virtually died out, as an organized study, but survived in its silent influence on Economic thought. Adam Smith, who admitted his indebtedness to the Physiocrats, was virtually a Cameralist. German Economics is more the child of Cameralism than of Mercantalism.

A low estimate of the standards of the sources of the Indian view life is reflected in low estimates of Indian ethics. Much of the error may be traced to overlooking the study of the background of Indian life, which is common to both *Arthas'āstra* and *Dharmas'āstra*. In the lectures now published an attempt is made to deal with the neglected aspects.

Western Cameralism remained at the time of the delivery of these lectures little known to English students of the history of Economic thought. Professor E. Cannan's *Review of Economic Theory*, (1930), from the unpublished version of which generations of London pupils derived their knowledge of and inspiration in Economics, has only a few sentences (not quite accurate too) on Cameralism. Ingram's *History of Political Economy* dismisses a school of thought which gave birth to hundreds of works, in a page. Dr. A. W. Small's

valuable study, the only one in English, is not accessible. This is the reason for co-ordinating in these lectures the exposition of Western Cameralist thought with the Indian counterpart.

In the first lecture, certain aspects of Cameralism have been explained in view of their relevance in a comparison with the views of *Arthas'āstra*. The second lecture summarizes the aspects of *Arthas'āstra*, regarded as an analogue to Cameralism. Its background, alleged secularism and liberalism, as compared with *Dharmas'āstra*, its methods and content, and alleged greater adjustability to the changing needs of society are examined in it. The third lecture views Indian society in its chief phases from the standpoint of *Arthas'āstra*. The conclusions will be seen to be hardly distinguishable from those of *Dharmas'āstra*. The fourth lecture deals with the polity and law of *Arthas'āstra*, and pointedly considers the alleged power of the king's edicts to over-ride *Dharma*. The fifth lecture attempts a survey of the Economy theory of *Arthas'āstra*, and the last deals with the mixture of Economics and Politics, in a Cameral background, through a consideration of the conception of the province of the State and of the principles of Public Finance. The lectures end with a consideration of the causes of the growth and decay of Cameralism in the West and in India. Western Cameralism cannot be traced to the Indian. The two represent the response of administrative and scientific minds in two different epochs and areas to environments and forces of a similar kind.

The lapse of so many years after the delivery of lectures gives an opportunity for revision and change. During this period a great deal of my time has been devoted to the study of *Dharmas'āstra*, in the course of editing some of its texts

and digests. The lectures have been scrutinized in the light of my later reading and thought. I have found no need for making even verbal changes, except perhaps to place a "might" where a more positive expression has been used in the original draft. In some matters I might express myself with more emphasis and fulness now. It is unnecessary to revise the lectures to embody such revisions, as the books which contain my later views (*Rājadharma*, 1941, the *Social and Political System of Manusmṛti*, 1949 and the Introductions to six volumes of *Kṛtya-Kalpataru*, 1941-1948) are available for consultation. I may add that I am now less inclined to accept some of the views of the late Dr. K. P. Jayaswal than I was fifteen years ago.

In one topic, *viz.* the alleged power of a royal edict to override even *Dharma*, what I had originally written had to be expanded during the oral delivery of the lecture. I have now revised this part (*infra* pp. 102-110) and slightly expanded the original draft. The footnotes are only of literature available to me before 1934. It might show how little progress has been made in regard to valid conclusions and their data in the intervening period in spite of much later consideration.

It remains to record my debts. To the Senate of the University of Calcutta I owe thanks for honouring me with an invitation to address academic audiences under its aegis as one of its Readers. To the distinguished scholars that presided over the four meetings and gave expression to their appreciation, I am also indebted. To the Syndicate of the University I am under a special obligation for overlooking for years my failure to send the lectures to its printers, and at last for giving me the copyright in the lectures in order that I might make it over to the Adyar Library, in whose series this book now appears. I have to thank the authorities of the

Adyar Library, and especially its Honorary Director, Captain G. Srinivasamurti, B.A., B.L., M.B.C.M., *Vaidyaratna*, for undertaking the printing and publication of the lectures. Failing sight has compelled me to throw the burden of proof correction on two friends, Mr. N. Raghavacharya, M.A., L.T., formerly of the Madras Educational Service and Mr. A. N. Krishna Aiyangar, M.A., L.T., of the Adyar Library, my old pupil and co-worker for many years. Mr. Krishna Aiyangar has also provided the Index. To Mr. C. Subbarayudu, Superintendent of the Vasanta Press, Adyar, I owe thanks for the excellence of the printing and for co-operation in taking the work through the press.

But the greatest debt of all is that which I have to record. It is to my venerated teacher and chief for fifteen years, Professor R. S. Lepper, M.A., LL.M., formerly Principal, Pachiyappa's College, Madras and later Professor of History and Economics in H. H. The Maharaja's College, Trivandram,—(and now of Elsinore, Crawfurdsburn, Bangor, North Ireland). To him I owe my knowledge of and love for Economics and History and devotion to the culture of my Motherland. Were I permitted, I would inscribe on these lectures (without any responsibility on his part for the opinions expressed in them) his honoured name, in undying gratitude, veneration and love.

K. V. RANGASWAMI

3, ASOKA ROAD
New Delhi
1st February, 1949

CONTENTS

PAGE

FOREWORD v

PREFACE vii

LECTURE I. PRELIMINARY SURVEY—WESTERN CAMERALISM 1-24

Neglect of Cameralism: reasons, academic and historical 1

Recent revival of interest 2

Widespread influence of Cameral thought . . 4

Effect of the discovery of the *Kauṭilīya* . . 5

Indian analogue to Cameralism—the philosophical background 6

Small's Conception of Cameralism . . . 7

Cannan's view 8

Cameralism and Monarchy 8

Cameralism and Religion 10

The Life of the King 11

Attitude to Absolutism 12

Two Phases of Cameralism . . . 13

National service of Cameralism . . . 13

Cameralism and Mercantilism . . . 14

Cameralism and the Modern State . . . 15

Economics and Sociology 16

Indian Cameralistic literature: its sociological aspect missed 16

Aims of the Course 17

Value of the comparative study . . . 17

Cameralism and the Prince 19

Literary forms and their influence . . . 20

Practical nature of Indian Cameralism . . 21

	PAGE
Its fertility and significance	22
Its composite nature	23
LECTURE II. INDIAN CAMERALISM—GENERAL SURVEY	25-56
Literature of Indian Cameralism, its divisions and inter-relations	25
Traditions of its origin	26
Significance of the Tradition	28
Arthas'āstra in the organon of Indian thought .	29
Points of its inclusion in the Vedic group . .	30
Idea of *Trivarga*	31
Artha and *Dharma*, their affinities . . .	32
Their alleged rivalry	33
And secularism	34
Scope of *Arthas'āstra*	35
Its later identification with *Nītis'āstra* . .	36
Its actual relation to *Dharmas'āstra* . .	38
Theory of its secularism	39
Results of the theory	45
Liberal views of *Arthas'āstra* . . .	46
Methods of *Artha* and *Dharma* works . .	47
Is *Arthas'āstra* of Non-Brāhmaṇa origin ? . .	49
Is it a rival of *Dharmas'āstra* ? . . .	49
Artha content of *Dharma* Literature . .	50
How the two were separated for Study . .	50
Why *Arthas'āstra* gained influence . .	51
Later re-adjustment of views of *Dharma* . .	51
Adaptability of *Arthas'āstra* . . .	52
Why it became a close science . . .	53
Indian and Western Cameral Literature compared .	54
LECTURE III. CAMERAL SOCIOLOGY . .	57-86
Definition	57
Postulates of Indian Cameralism . . .	57

	PAGE
The Triple Debt	59
Brahmacarya	61
Attitude to Heresy	62
Effect of the ideal of *Brahmacarya*	63
Population	65
Attitude to Marriage	65
Married Life (*Gārhasthya*)	67
Polygamy	71
The Individual and the Family	72
Position of Women	73
The *Varṇās'rama* System	75
The *Brāhmaṇa*	76
Caste and Office	81
Position of other castes : the Kṣatriya	81
The Vāisya and the S'ūdra	83
Summary	85
LECTURE IV. CAMERAL POLITY AND LAW	87-127
Political Theory of German Cameralism	87
Cameral aims of the State	89
Comparison with *Arthas'āstra*	90
Genesis of *Arthas'āstra*	90
The *Artha* Ideal	92
The Origin of the State—Indian Theories	93
Horror of Anarchy	96
Glorification of the King's position	96
Checks on Absolutism	99
Importance of the People	102
Power to make Laws	103
Scrappiness of Law in Smṛtis	110
Kauṭilya's Cameral outlook	112
The King-in-Council	112
The Army	115
Diplomacy	116
Official Secrecy and Corruption	117

	PAGE
The Exchequer	118
Civil Law	119
Group Organizations	122
Criminal Law	123
Liberty and Citizenship	126
LECTURE V. ECONOMICS OF INDIAN CAMERALISM	128-153
Introductory	128
Unity and interdependence of Indian Social sciences	129
Practice and Theory	129
Vārtā	130
Scope of *Artha*	131
No Mercantilism in Ancient India	131
Ascetic trends	132
Social Postulates	136
Origin of the State	136
Liberty	137
Property, its limitations	139
Land	142
Labour	145
Money economy	148
LECTURE VI. PROVINCE OF THE STATE	154-176
Public Finance	154
Aims of the State	154
Functions of the State	157
Collectivist Interpretation-criticized	159
State Finance	162
Expenditure	164
Income	166
Emergency Finance	168
Postulates of Public Finance	170
Causes of the growth and decay of Cameralism	172
Conclusion	175
INDEX	177-184

I

PRELIMINARY SURVEY—WESTERN CAMERALISM

Neglect of Cameralism: Reasons, Academic

Cameralism is perhaps not as familiar a term today to students of political and social science as it should be. This is due to an accident. Early in the revived study of Cameralistic literature, the economic aspects of Cameralism were stressed. This was how Kautz and Roscher dealt with it.[1] The annexation of Cameralism by Economists and the description of it as a kind of inchoate economic science, were not questioned by the exponents of the other social sciences. The low opinion of Cameralism entertained by political writers is illustrated by Bluntschli's denial of its claim to any originality. In the nineteenth century, the general attitude towards Cameralism was that of the antiquarian, rather than that of the student of a living science. In a famous plan for a co-operative history of German Science, which he drew up in 1856 for the Royal Prussian Academy, the historian Ranke, then at the peak of his reputation, merged Cameralism with Economics.

[1] See Albion W. Small, *The Cameralists*, the Pioneers of German Social Polity (Chicago, 1909), *passim*, and particularly pp. ix, *ff*., for the opinions cited in this Lecture. Julius Kautz's *Historical Enquiry Into National Economy* (in German) was published at Vienna in 1860; W. Roscher's *History of National Economy in Germany* (in German) was published at Munich in 1874. It was translated by J. G. Lalor in two volumes in the U.S.A.

Historical

In the evolution of a national monarchy in Germany, Mercantilist policies contributed to the growth of a new economic system, which furnished the stable foundation for the New Monarchy. Mercantilism became the ally and the servant of absolutism. In his brilliant study of German Mercantalism, Schmoller identified it with Cameralism.[1] In the eclipse of Cameralism, during the Revolutionary epoch, the new science of Political Economy which had grown in England after the publication of the *Wealth of Nations* (1776) invaded the lands where Cameralism had prevailed. Cameralism thenceforward was consigned to the lumber room of economic archaeology.

Recent Revival of Interest

Even in the renaissance of historical studies in the latter half of the nineteenth century, Cameralists failed to come by their own. In the 17th and 18th centuries, there were no political thinkers more systematic and virile than the Cameralists. Cameralism was not only original as a theory; it had been effective as a policy. The influence of Cameralists on public affairs within the Empire was more effective if less realized, than that of Grotius or Montesquieu. Among social thinkers, Adam Smith alone may be held to have exercised an equally powerful influence on State policy. In spite of its fine record, Cameralism was neglected, and its outlines were hazy even to encyclopaedic writers like Roscher, who had

[1] Cf. W. J. Ashley's trn. of the chapter on the Mercantile system in G. Schmoller's *Economic History of Frederick the Great*, 1884, (1896). Othmar Spann perpetuates this wrong identification in his *Types of Economic Theory*, Eng. trn., 1931, pp. 38-39.

first-hand knowledge of its voluminous literature. Even after Marchet corrected (1885)[1] the century-long misapprehension of the scope and content of Cameralism, and upheld it as a study of Politics and Administration, Cameralism continued to be classed with economic pamphleteering, like the Political Arithmetic of the 17th century in England. Adam Smith's lectures at Glasgow, on subjects which formed the staple material of Cameralistic thought, and which contained anticipations of the *Wealth of Nations*, were recovered and published by Dr. Cannan in 1896.[2] But, even after its publication, the opportunity to compare his attitude towards society with that of the Cameralists was missed. To students of social thought, who derived their inspiration from English writers, Cameralism remained a lost chapter in the history of social theory. At last, Dr. A. W. Small, an enthusiastic American economist, collected relevant and typical fragments of Cameralistic thought, and presented them in the form of an adequate and sympathetic study, in 1909. Since the publication of Dr. Small's *Cameralists*, interest in Cameralism has revived, in its native area. Nielson, Zielenzigar and Louise Sommer have made intensive studies of *aspects* of Cameralism.[3] Dr. Small's work however remains the only English work of reference for a comparative study of Cameralism.

Among economists and students of Cameralism, Dr. Small alone hit upon its sociological significance. To him, even

[1] Small, pp. xix-xx.

[2] *Lectures on Justice, Police, Revenue and Arms*, delivered in the University of Glasgow by *Adam Smith*, reported by a student in 1763, edited by E. Cannan, Oxford, 1896.

[3] *See* Article on *Cameralism* by Louise Sommer in Seligman's *Encyclopaedia of the Social Sciences*, Vol. III, pp. 158-160.

Adam Smith was less the founder of modern Economics than of modern Sociology.[1] But, he described Cameralism as Political Science, and succumbing perhaps unconsciously to the bias of profession and daily occupation, he referred virtually only to its economic side. A correct attitude towards Cameralism might have saved him from some inadequate appreciation of the thinkers, whose teachings he has recovered.

Widespread Influence of Cameral Thought

Another misfortune to the study of Cameralism has come from regarding it as an exclusive German product. The comparative study of Adam Smith's intellectual ancestry reveals English views similar to those of the Cameralists, held in the 18th century. Montesquieu's famous classic,[2] whose extraordinary political and historical influence has been acclaimed with memorable eloquence, by Maine (1861), Sorel (1887) and Ilbert (1911), would repay comparison with Cameral classics. Considered as a sociological work, in the felicitous way in which it has recently been treated by Prof. Fletcher as an economic treatise,[3] conveying inspiration to English economists, the *Spirit of the Laws* might have shown that the works of the Cameralists, no less than those of Montesquieu and Adam Smith, were the natural products of

[1] *See* his *Adam Smith and Modern Sociology*, Chicago, 1907, *passim*; also Jan St. Lewinski, *Founders of Political Economy*, 1931, pp. 67-72; E. Cannan—*A Review of Economic Theory*, 1929, chs. I and II and his edn. of the *Wealth of Nations*, 2 vols. 1904, 'Introductions.'

[2] *De l'Esprit des Lois* was published anonymously in 1748, was put on the Index and passed through twenty-two editions in two years. For Sir Henry Maine's remarks on Montesquieu's influence, see *Ancient Law*, ed. Pollock, 1927, pp. 91, 115, 125, and 174.

[3] F. T. H. Fletcher—"Influence of Montesquieu on English Political Economists," *Economic History*, Jan. 1934, pp. 77-92.

their times and environment, and are by no means unique, except in their excellence.

EFFECT OF THE DISCOVERY OF THE KAUṬILĪYA

To the student of Indian Sociology, the year 1909 is memorable. It saw the publication of the *Arthaśāstra* of Kauṭilya, the most remarkable work on social polity, now available in Sanskrit. The same year witnessed the publication of Dr. Small's comprehensive study and source book of Cameralism. To those who studied the two, side by side, the resemblance of relations, subject-matter and angle of vision, between the Mauryan Chancellor and the German Sociologists was remarkable. When the classic of Kauṭilya became available in an English version, the resemblances began to attract even the attention of Economists, who were not familiar with Sanskrit. The only paper to be published till now, in which the resemblances on the economic side between the *Arthaśāstra* and Cameralism is worked out, is that of one of your own distinguished former Professors, Sir Jehangir Coyajee.[1] His work was not followed up. The fruitful interpretations of Indian Social thought, and their application to current problems, which the comparative studies of Cameralism might have yielded, have been denied to us till now. The aim of the present course of lectures, is to attempt such a comparative study. Analogical reasoning with the safeguards prescribed by the logic of inference, must help in a better understanding of Indian Sociological classics, lead to a more accurate perception of their meaning and drift than we now possess, and may result in a juster appreciation of the value of such contributions to history and culture.

[1] It appeared in the *Bengal Economic Journal*, 1919.

Indian Analogue to Cameralism—the Philosophical Background

It is difficult to remove wrong labels. The vitality of erroneous classification is remarkable. The persistence with which Cameralists are still classed as economists, and the general agreement to equate Arthaśāstra with the Science of Polity illustrate these truths. Sir Henry Maine used to lament (in the vivid language of which he was master) the wide and lasting influence of false generalizations. That men of affairs can have no philosophy of conduct is an apt instance of such a false generalization. It may perhaps account for the unanimity with which modern exponents of Cameralism have denied that any connecting thread of philosophy is to be found in Cameral writings. In the course of his description of the views of Seckendorff, whom Dr. Small compares with Adam Smith, he asserts that Adam Smith was a philosopher first and incidentally an economist, while Cameralists like Seckendorff were first and last administrators only.[1] He contends that Cameralists are not even conscious that their technique goes back to fundamental problems of philosophy. The only exception to the generalization, which Dr. Small concedes, lies in the Cameralistic reference to religious doctrine. But, even these are dismissed as perfunctory tributes to popular creeds. The comparison misses an essential point of difference. The *form* of a Cameralistic work is different from that of works like those of Adam Smith on the one hand, and Indian Sociological treatises on the other. Smith's *Theory of Moral Sentiments* and his *Lectures on Justice, Police, Revenue and Arms* were formal *lectures*,

[1] Small, *op. cit.*, pp. 69, 105-6, and his *Adam Smith and Modern Sociology*, pp. 9, 27, 32, 65 *et passim*.

addressed to University students. Cameralists, on the other hand especially the earlier, wrote as men of affairs, addressing administrators. The indication of a coherent philosophy is essential in the former; it is superfluous except by implication in the latter. This distinction is important, and suggests the scrutiny of similar generalizations concerning the alleged absence of philosophical or religious background, in our *Arthas'āstra* and *Nītis'āstra* works. In their case too, it will be wrong to deny a connecting and unifying principle of thought, suggesting conscious intellectual and spiritual relations between author and author, and to maintain that the systematic treatment attempted by Indian works on Sociology is only the reflex to the unconscious reaction of a common political motive.[1]

SMALL'S CONCEPTION OF CAMERALISM

Before proceeding to develop these further, some ideas of the basic principles of Western Cameralism is desirable. Dr. Small regards Cameralists as Political Scientists, who were servants and supporters of the State, to whom the central problem was that of the State, and the key to the welfare of the State the revenue, which would supply the public needs. Cameralism was a theory and practice not of Economics, but of Politics. It was a technique and a theory of administration. It raised no fundamental question of Economics directly. Economic relations, when dealt with, are treated only as incidental to administration. Cameralists were first and last servants of the State. To them, the purposes of the State were paramount. They helped to form the German territorial Monarchy. It was a mere accident

[1] See the author's *Some Aspects of Ancient Indian Polity*, (first published 1916), new edn. 1934, *passim*.

that, in the conditions of Germany in the epochs following the Reformation and the Thirty Year's War, the State, which the Cameralists propped up, was an economic as much as a political necessity. The essence of Cameralistic policy lay in the substitution of national for local and territorial policies. Cameralism was "the routine of the bureaus, in which the administrative employees of Governments did their work," and, in a wider sense, it was "systematized governmental procedure, the application of which was made in the administrative bureaus."

Cannan's View

We owe to Dr. Cannan a better definition and description of Cameralism, which lays stress on outlook than content.[1] Cameralism is derived from the Hofkammer, which the Emperor Maximillian established towards the end of the 15th century,[2] at Innsbruck and Vienna, and from the chairs which were founded in Germany, in the 17th century, to give adequate training to those who took service under the King, particularly in the Exchequer.

Cameralism and Monarchy

Even to superficial observation, the intimate association of Cameralism with German monarchy becomes apparent; but, this association should be properly understood. Several Cameralistic works were no doubt produced by order of the reigning Princes. Osse's (1505-1556) *Civics* is an instance. Several Cameralists are also associated with contemporary rulers in their reforming work: *e.g.*, Seckendorff (1626-92)

[1] *Review of Economic Theory*, pp. 13-14.
[2] L. H. Haney, *History of Economic Thought*, 1915, pp. 113-130.

with Duke Ernst of Gotha, Justi with the Empress Maria Theresa, and Zincke (1672-1768), Darjes (1714-91) and Justi with Frederick the Great.[1] The relation of Cameralists to courts has generated the belief that they were servile persons, who exalted the king over the people and sound morals. Such a view is unjust. By historical association and by the needs of the times, Cameralism was compelled to emphasize state-independence and political unity. In the conditions of their day and country, the Cameral writers were justified in believing that these were realizable only under a quasi-absolute prince. The enunciation of such opinions contributed to the welcome extended by the German Courts to Cameral views, and to the influence on affairs exercised by Cameral teachings. But, the Cameralists also held other views, which were deliberately intended to temper or curb absolutism, and which were expressed no less clearly than the justifications of the State and monarchy. The duties of the rulers to the ruled and to sound morality were stated with emphasis. The magistracy (*i.e.*, Kingship), urged Becher (1635-1682), is created by God only in order that a State of humanity and natural laws might be secured.[2] Another Cameralist (Schröder), following the practice of his age, looks into the Old Testament for historical illustrations of the divine origin of kingship, and the repudiation of the theory of the origin of the State in a social compact.[3] Seckendorff (1626-1692), the Adam Smith of Cameralism,[4] maintains that the power to make laws vests solely in the king, and that "no power on earth is justified in holding the Prince accountable for his acts, and no one but

[1] Small, pp. 23, 62, 260, 267, 287-89, 291.

[2] Small, Chap. V, *passim*.

[3] See the citations in Small, pp. 138-139, Schroeder's work appeared anonymously in 1686.

[4] The resemblance to Adam Smith is noted by Small, *op. cit.*, p. 69.

God has the right to discipline the Prince." But, he follows up such acceptable dogma, with such statements as that the Prince exists only to promote the common welfare and that 'a subject is not a slave.'[1] Cameral writings abound in opinions, which denote the belief in the identity of interest between the ruler and the ruled, and the king and the kingdom, in the king's responsibility for the happiness of his people, in the indissoluble ties binding king and subject, and in the necessity for the prince to earn by his good government the confidence and affection of the people. The ideas of the common good as the end of the State, and of freedom and security as essential pre-requisites of national prosperity run like connecting threads through the writings of Justi (1717-1771) the greatest of the Cameralists.

Cameralism and Religion

The Cameralist does not parade his religious views. Nevertheless, they are stated, in order to control the Prince's uncontrolled authority. "The will of God is superior to the King's will." "The King should maintain religion according to custom and usage."[2] Even religion is not accepted without discussion of its social utility. Sonnenfels values religion as the fountain of good morals. The belief in a future life of rewards and punishments, for acts done in this life, corrects disruptive tendencies in civil society.[3] Justi values in religion the discipline more than the dogma, and expatiates on the beneficial reaction of the religious mind on conduct. Religion stimulates diligence and develops skill. It prevents depopulation and promotes civic virtues.[4] A religious sanction

[1] *Ibid.*, p. 79.
[2] Seckendorff in Small, p. 65 and p. 81.
[3] *Ibid.*, p. 511 *ff.*
[4] *Ibid.*, p. 476.

for a social precept is frequently sought. In words which recall Kauṭilya's contempt for the king, who is a limp-backed fatalist,[1] Justi condemns the civic loss resulting from the excessive spirituality, which undermines exertion, spreads the spirit of other-worldliness among the people and makes them languid and supine.[2] It is the ascetic element in religion, which provokes the anger of the Cameralist. Even Christianity is condemned, when it results in an attitude unsuitable to the State. The recognition of the harm that would result from the spread of ascetic-mindedness among the people is often vivid, in the epochs of reconstruction after prolonged wars and national suffering.

THE LIFE OF THE KING

The 'Cameral' King, like the King in the *Arthaśāstra*, has to lead a life the details of which are regulated with great minuteness. It is to be a dedicated life, in which there will be little scope for the wayward pursuit of low pleasures. 'Morality and thrift' urges Obrecht, 'should be the watchwords of the King.'[3] The King should govern his own life, and govern the lives of his subjects by a wise censorship, and thereby increase their efficiency. The duty of the Prince does not end when he has secured independence for his State, and internal order. He must work actively to promote morality among the people. The moral value of freedom is also

[1] *Kauṭilīya*, 1st edition, p. 349.

नक्षत्रमतिपृच्छन्तं बालमर्थोऽतिवर्तते ।
अर्थो ह्यर्थस्य नक्षत्रं किं करिष्यन्ति तारकाः ॥

Ibid., p. 295.—दैवप्रमाणो निरारम्भो विपन्नकर्मारम्भोऽवसीदति ।

[2] Small, p. 475 *ff*.

[3] Small, p. 46.

vividly realized. Liberty of conscience is the secure basis of civic prosperity. In enunciating such views, Cameralists like Justi approach the transition from the conception of regulation to liberty, as the most effective means of promoting national welfare.

Cameralism is thus both a theory of Economics and a theory of Politics, in its most extended sense.

Attitude to Absolutism

It could hardly have been otherwise. Even now, we have complaints that Economics is an incomplete science, and that even to comprehend it involves of necessity a consideration of its history and setting. While we may regard Cameralism, as its American interpreter has done, primarily as a theory and technique of Government, in which economic questions arise only incidentally, in the consideration of the State's welfare, it is no less important to visualize the ethical and religious implications of the system, even if they are not explicitly stated or developed in argument, with the same fulness and clearness as its political and economic doctrines. This method of approach will show that Cameralism is not advocacy of absolutism. The interests of the State are indeed paramount over all others, and the Prince stands for the State. But, the common duty of every one, prince or peasant, is to subordinate personal interests and wishes to the collective interest. Such subordination is not incompatible with the moral sense of man. It only leads to a recognition of limits to the moral power of the State, though no methods of keeping the Prince within bounds are suggested. The Cameralist is thus only a quasi-absolutist.

Two Phases of Cameralism

A study of the history of Cameral thought in Germany reveals a difference in *tone* between its earlier and later exponents. The 'Cameralists of the bureau,' who are obsessed by the practical needs of administration (which are assumed as fixed), come before the 'Cameralists of the books,' who work out, for publication and teaching, a system, which the Governments should follow. Cameralists 'of the books,' no less than those 'of the bureau,' were men of experience, and were not mere arm-chair politicians. The difference in their treatment reflects the different needs of the respective epochs. The earlier Cameralists wrote during a period of universal insecurity, caused by the impact of the Reformation and the Wars of Religion, and at a time when Feudal and Renaissance ideals in Politics were coming to close grips. National feeling was then at a low ebb, and foreign intervention in domestic quarrels was not resented. Writing under such conditions, the earlier Cameralists naturally argued, with almost missionary fervour, in favour of political unity and integrity, *at any cost*, and magnified the position of the Prince in whom the unity was visibly centred. The eighteenth century Cameralist wrote after settled order had supervened, and strong territorial kingdoms had been established, and there was no need to plead for unity. The Cameralist of those times became an *apologist* of benevolent despotism, and pointed to the material prosperity, which had sprung from enlightened autocracy and an elaborate administration, in support of his pleas.

National Services of Cameralism

The Cameralist did not create the absolute German state, but he upheld it. The benevolent autocrat fulfilled the dreams

of the academician. The work of German monarchy in the eighteenth century, in the political and economic spheres, reflects the Cameral programmes. Centralized administrations, with a central fisc and national financial systems, then replaced the old feudal regime. Common laws were promulgated for controlling the economic activities of the entire kingdom. The liberation of industry from guild monopoly and control, the universal adoption of a money economy and of uniform municipal laws, and the carrying out of programmes of economic reconstruction, so well described for Prussia by Schmoller, were the other main services of the new regime. Cameral influence may claim credit for these achievements. But, with the disappearance of the guilds and the feudal lord, Prince and subject were left face to face without any intermediary. Absolutism had to justify the enlargement of the sphere of State action. Cameralism furnished the justification for the State in political theories derived from a rejected Social Compact, and for the limits of the State in the theories of Natural Rights. With these developments of theory, the Cameralistic synthesis was complete. Cameralism came to comprehend politics, economics and administration. The legacy of Cameralism to succeeding generations was the development of specialization of its different elements.

Cameralism and Mercantilism

Cameralism, as has been already noted, was confused with Mercantilism, and it has been described as German Mercantilism. Both were systems of sovereign-welfare policy, but Mercantilism excluded all considerations other than economic. The precepts of Mercantilism in regard to economic reconstruction are usually in accord with those of

Cameralism, but the regulation of commerce and the importance of money are more stressed in Mercantilism. Cheapness and plenty have the same meaning to the Cameralist as to the Mercantilist. Sumptuary laws, the prohibition of the export of raw materials, and the removal of the barriers erected by guilds and cities are common ideals of both. The importance of money for securing adequate military protection leads to the Mercantilist emphasis on the value of money. Bodin's famous dictum 'Money is the nerve of the Commonwealth'—gives the clue to the Mercantilist exaggeration of its importance.

Cameralism and the Modern State

The work of the Cameralists was done before the storm of the French Revolution burst on Europe. A new conception of individual freedom shifted the view-point of politics from the Prince to the citizen. National prosperity is discussed without any political implications other than those furnished by new postulates, such as the nobility of freedom and of enlightened self-interest. The transition is seen if the literary record of Adam Smith's academic discourses at Glasgow are compared with his *Wealth of Nations*. His *Lectures on Justice, Police, Revenue and Arms*, comprehend the main topics of Cameralistic Civics, and anticipate a great part of the contents of the later *Wealth of Nations*. Sociology (which Adam Smith calls Jurisprudence) in its ethical, economic, and political aspect, is essentially a moral affair, of which the economic process is a detail. Here arises the justification for regarding Adam Smith as the founder of not only modern Economics but of modern Sociology—an honour, which *all* Cameral writers can also claim,

Economics and Sociology

The *Wealth of Nations* should be studied in its literary context, as it has been done by specialists like Dr. Cannan. The classical school of Economists derived their science from it, in cold and hard forms. The influence of the classical school popularized their shifting of the emphasis from man to wealth. The development of a wider science than Economics, out of the broad social foundations of Adam Smith's works, was put off in England, and a permanent rift sprang between Economics and writers of a sociological outlook.

Indian Cameralistic Literature: Its Sociological Aspect Missed

We may now turn to the literature of India, to which by analogy, I have applied the designation—"Indian Cameralism." The Indian literature of Sociology is contained in *Dharmas'āstra*, and *Arthas'āstra* or *Nītis'āstra*, bringing within the categories, such parts of Indian epic literature—and they are extensive—as deal with these subjects. *Dharma* and *Nīti* have usually been equated with Law and Politics. The work of Kauṭilya is generally treated as a treatise on Political Science, in which, as in Montesquieu's *Spirit of the Laws*, Economics has a place, though a subordinate one. A differentiation, based on differences of outlook, is usually made between *Dharmas'āstra* and *Arthas'āstra*, but their interrelations are obscured by overlooking their essentially complementary character. The emulation of scholars has produced many studies of *Arthas'āstra*, in some of which it has been compared with western political literature. The political and economic theories of the *Arthas'āstra* have been studied

separately, and writers like Kauṭilya have been classed often as political thinkers, and some times as economists. Among so many studies, no attempt has yet been made to consider *Arthas'āstra* as Sociology, by analogy with Cameralism, which alone of western branches of knowledge, has most points of resemblance to *Arthas'āstra*.

Aims of the Course

Many problems arising from the *Arthas'āstra* are still matters of controversy. Is *Arthas'āstra* secular? What are its relations to allied subjects, and its lines of demarcation from them? Is it Socialistic? Is its tone archaic or modern? Are its ideals absolutist or democratic? Does it treat of large or small States? In the attempts to answer such questions, it is not enough to balance the data for the opposed views. The paramount need today is a change in the angle of vision, based on the conviction that neither *Arthas'āstra* nor *Dharmas'āstra* can rightly bear the names of any of the developed social sciences of today. The comparative study attempted in these lectures, is undertaken in the hope that it might lead to a correct perception of the nature of our *Dharmas'āstra* and *Arthas'āstra* and of their influence on history, to a proper estimation of their permanent services to India and the world, and incidentally result in satisfactory answers, to some of the controverted questions already mentioned.

Value of its Comparative Study

The vicissitudes of German Cameralism, as of its English ally, also convey a lesson and a warning to the students of the sociological literature of ancient India. The separation of the

elements of Cameral teaching, and their development as different sciences, furnishes a logical or historical ground for the later clash in Europe between Socialism and classical Economics. In a consideration of the origin, character, content and aim of the Sociological literature of ancient India, the experience of Cameralistic history is of value. The comparative study of Cameralism and our *Dharmas'āstra* and *Arthas'āstra* will clear up obscurities of interpretation of the latter, and furnish helpful suggestions for proper appreciation of its views.

A comparative study of this character is necessary. Works on *Arthas'āstra* and *Dharmas'āstra* have been usually studied without reference to their inter-relations, and their historic contexts. Descriptions, which are correct in regard to parts of these subjects, are applied to the whole. The renaissance of Indian historical studies has synchronized with the growth of a powerful national feeling. Political feeling has influenced, and sometimes endeavoured to dominate our sociological studies. A result of such obsession has been the selection of only those parts of our old literature, which furnish sanctions to the slogans of the day. With the exception of *Manusmṛti*, which has been expounded as a classic of *social* science, the major treatises of *Dharmas'āstra* and *Arthas'āstra* continue to be identified with law and politics. In defiance of etymology and history, we persist, according to our inclination or bias, in describing *Arthas'āstra* as political or economic science. In the West, failure to keep up the Cameral tradition of studying society in a group of associated subjects resulted in the socialist attacks on Politics and Economics. By overlooking the inter-relation of the elements of our old social sciences, and by interpreting them, as if they conformed to the definition of

modern political or economic sciences, we are heading to a similar danger. The necessary corrections to this view, furnished by context and history, as well as by the content and inter-relation of *Dharmas'āstra* and *Arthas'āstra* literature, will suggest themselves in a comparative study of the literature which I would call, 'Indian Cameralism.' In accepting the analogy, it is not forgotten that in analogical reasoning superficial resemblances often mislead. But, they cannot be ignored. What is necessary is that fundamental resemblances and differences should be considered exhaustively.

The spiritual and philosophic background of western Cameralism, as well as the form and tone of its literature, betray traces of the survival of the scholastic and religious influences of the Middle Ages and of the Reformation. The academic and official atmosphere, in which Cameralism was born and nurtured, is reflected in the didactic, discursive and expository character of the Cameral classics. Cameral writers are masters of administrative technique. They display with wearisome frequency, their command of the details of political, administrative, agrarian, commercial and fiscal economy. While they share the religious views and prejudices of the day, they do not obtrude them in formal expositions.

Cameralism and the Prince

The Cameralist is conscious of his value to society, because of his teaching the Prince the best way of saving society. His court patronage is not hidden by the Cameralist. On the other hand, the Cameralist Obrecht (1598), even regards his teachings as 'Caviare to the general' and as only fit for the ears of Princes.[1] A Cameralist work was printed

[1] Small, p. 41.

with ostentatious secrecy, because its author held that the matters he expounded were not for common folk but for Princes.

LITERARY FORMS AND THEIR INFLUENCE

To every one of these features of western Cameralism, a parallel can be cited from the *Arthasāstra.* The writings of western Cameralists are many and voluminous. The fragments of *Arthasāstra*, which have survived,[1] do not together exceed the dimensions of two or three modern books. The German Cameralist wrote after the invention and popularization of printing. The Indian Cameralist like any other ancient Indian thinker, had to transmit his teachings orally, from master to pupil, and in the dearth of other means of publication, he had to use a form of literary composition, which helped memorizing.[2] The refrain of verse gave it an advantage in this respect, led to its use even in scientific works. The use of the *s'loka* was dictated by the need to provide an easy method of memorizing so important in times when books were scarce.[3] If an alternative to verse was required, it was found in *sūtras*, *i.e.*, aphoristic prose. A *sūtra* book was designed to be memorized, and not to be read.[4] Separated from its commentary, a *sūtra* work would prove unintelligible or misleading. In his famous justification for

[1] The extent of Arthas'āstra literature before the *Kauṭilīya* is indicated by his citation of the views of seventeen predecessors, whose works are lost.

[2] This was an invariable practice as is seen in the basic works of Indian grammar, philosophy and *Dharmas'āstra*.

[3] Cf. The earliest extant medical treatises of Bhela, Caraka and S'us'ruta which are in verse.

[4] See the remarks of T. W. Rhys Davids, *Dialogues of the Buddha*, I, pp. XX, XXII and E. J. Rapson, *Ancient India*, 1914, pp. 76-77 and my *Ancient Indian Polity*, (1st edition, 1916), pp. 11 and 99-100.

himself composing the text and commentary—Sūtra and Bhāṣya—a duty usually divided between a master and a disciple—Kauṭilya explains that the step was forced on him by the misunderstanding of commentators and the frequent discord between a text and its commentaries. Kauṭilya's *sūtras* are mere chapter headings.[1] Of the inherent power of his cryptic chapter headings to mislead, abundant illustrations can now be given from modern studies of Kauṭilya's classic. Even the commentary of Kauṭilya is in condensed prose, and many parts of his important treatise, can be interpreted solely because commentaries on them transmitting traditional interpretations, have survived for those parts, while other parts remain obscure for want of such illumination.

Practical Nature of Indian Cameralism

The works of Kauṭilya and S'ukra, exhibit a knowledge of administrative and economic technique, which could only have been derived from official experience and the co-operation of specialists. The Indian Cameralist is no apologist for his relation to the State. Nor had he any reason to take up that attitude, when, as in the case of Kauṭilya, he spoke as a patriot statesman, who after an unparalleled foreign invasion and a series of domestic calamities, built up an unified empire out of discordant elements, and witnessed the growth of a

[1] *Kauṭilīya*, 1st edition, 1909, p. 429:

दृष्ट्वा विप्रतिपत्तिं बहुधा शास्त्रेषु भाष्यकाराणाम् ।
स्वयमेव विष्णुगुप्तश्चकार सूत्रं च भाष्यं च ॥

The *Prakraṇādhikaraṇa-samuddes'a* which forms the initial chapter of the *Kauṭilīya* contains his sutras which are reproduced at the head of each subsequent chapter.

finished administrative technique, which protected that empire from dissolution for centuries.[1]

ITS FERTILITY—ITS SIGNIFICANCE

The fecundity of Cameralistic thought in the West is paralleled in ancient India. The mention of 18 teachers or schools in discussions in the *Kauṭilīya* might suggest that there were even more writers and schools than those explicitly named, who had dealt with *Arthas'āstra* long before Alexander's invasion. The references suggest periods of intense intellectual activity, comparable to, though not necessarily contemporaneous with, the ages in which, from the discussions on religion and philosophy contained in early Upaniṣads, arose Buddhist and Jaina thought, as well as the orthodox systems of philosophy (*Dars'ana*). It is evident that the Indian mind was not so preoccupied with matters spiritual, that secular studies, which were no less required for normal life were neglected. The literary traditions of the evolution of *Dharmas'āstra* and *Arthas'āstra* in parallel streams, after their initial divine exposition, denote the conditions of scholastic activity, which obtained in periods of intellectual fermentation.

[1] *Kauṭilīya*, p. 429 :

येन शास्त्रं च शस्त्रं च नन्दराजगता च भूः । अमर्षेणोद्धृतान्याशु तेन शास्त्रमिदं कृतम् ॥ Cf. the invocatory verses of Kāmandaka's *Nītisāra*, vv. i, 3-6. :

जातवेदा इवार्चिष्मान्वेदान्वेदविदां वरः । योऽधीतवान्सुचतुरः चतुरोऽप्येकवेदवत् ॥ यस्याभिचारवज्रेण वज्रज्वलनतेजसः । पपातामूलतः श्रीमान्सुपर्वा नन्दपर्वतः ॥ एकाकी मन्त्रशक्त्या यः शक्त्या शक्तिधरोपमः । आजहार नृचन्द्राय चन्द्रगुप्ताय मेदिनीम् । नीतिशास्त्रामृतं श्रीमानर्थशास्त्रमहोदधेः । य उद्दध्रे नमस्तस्मै विष्णुगुप्ताय वेधसे ॥

Its Composite Nature

A feature, which *Arthas'āstra* and the *Dharmas'āstra* share with western Cameralism, is the composite character of their contents. Whether we believe that this was because the component sciences were in too crude a stage to develop into separate sciences, or that their amalgamation was of deliberate choice, the fact that they were studied only in association with each other must be admitted. I have had occasion before now to suggest[1] a hypothesis concerning the encyclopaedic trend of Indian schools of thought, which induced the founders of every school to compose treatises on all branches of knowledge, in conformity with the fundamental principles of their respective schools. The importance of the hypothesis is illustrated by the discussion in the *Kauṭilīya* on 'what constitutes relevant Knowledge' (*Vidyā*). The opinions cited range from those of the traditionalists, who brought under knowledge all sacred and secular lore, to the uncompromising rationalist and realist, who recognized only a single relevant science, namely that of society. Under this hypothesis, the attribution to writers with identical names of subjects as different from each other as Law, Politics, Economics, Grammar, Erotics, and Chemistry, might justify at least a re-examination of their disparate origin. The possibility of such comprehensive schools of thought is strengthened by the absence of any term in ancient Indian literature, which has the exact sense of religion, and of the inability of an ancient thinker to make the distinction which occurs to us so

[1] In my *Ancient Indian Polity*, (1st edn., 1916), p. 26 and p. 120. Ghoṭamukha and Cārāyaṇa two predecessors of Kauṭilya are referred to in the *Kāmasūtra* as writers on *Kāmas'āstra*; another Bhāradvāja is alluded in Patañjali's Vyākaraṇa *Māhābhāṣya* as the founder of a school of grammar. The Parās'aras to whom Kauṭilya refers are known also as astronomers.

readily, between secular and religious knowledge. The penetration of secular influences on scientific thought, and the influence of philosophic and religious ideas on what would now be called secular opinion, were more common in ancient India than is commonly imagined. Abundant illustrations of this fact will occur in a study of our old social literature, when it is viewed in comparison with western Cameralism.

II

INDIAN CAMERALISM—GENERAL SURVEY

Literature of Indian Cameralism—Its Divisions and Their Inter-relations

The Indian analogues to Western Cameralism, in both its half-developed and perfect forms, are to be found in the works classed as *Arthas'āstra*. In a study of Indian Cameralism it will be necessary to travel beyond the limits of this group. *Daṇḍanīti*, *Rājanīti* and *Nītis'āstra*[1] are terms which are used with varying connotations to signify part or the whole of *Arthas'āstra*, and sometimes even its sources. Further, the great body of literature which exists by its side, namely *Dharmas'āstra*, has an *Arthas'āstra* core.[2] It has been customary to place the two classes of literature side by side for comparison, if not in opposition. While *Arthas'āstra*

[1] Cf. दम्यतेऽनेन दमनं वा दण्डः स नीयते दम्यं प्रतिप्राप्यते यया स दण्डनीतिरर्थशास्त्रम् (Kṣirasvāmin on *Amara*, I, 6, 5); and *S'āntiparva*, 58, 81—दण्डेन नीयते चेदं दण्डं नयति वा पुनः । दण्डनीतिरिति ख्याता त्रीन्लोकानवपत्स्यते ॥ Amara equates *daṇḍanīti* and *arthas'āstra*.

[2] Cf. the *Mitākṣara* on *Yājñavalkyasmṛti*, II, 21—"धर्मशास्त्रान्तर्गतमेव राजनीतिलक्षणमर्थशास्त्रमिदं विवक्षितम्;" and Medātithi (*Manubhāṣya*, VII, 1)—"धर्मशब्दः कर्तव्यतावचन इत्युक्तम् । कर्तव्यश्च दृष्टार्थ षाड्गुण्यादि । अदृष्टार्थमग्निहोत्रादि । तत्रेह प्राधान्येन दृष्टार्थ उपदिश्यते । तत्रैव राजधर्मप्रसिद्धिः"

and *Dharmas'āstra* evolved separately as branches of knowledge, and were cultivated, in accordance with the specific implications of the Indian conception of knowledge, changes in their outlook and content, brought about by historical circumstances, as well as by the remoteness of the literature of both classes from those who wrote the great digests (*nibandha*) and the commentaries (*bhāṣya*) in the middle ages, blurred the outlines of both the S'āstras, and tended to their merger. In a consideration of the evolution of the concepts of Indian Cameralism, the variations of opinion, from age to age, in regard to the respective content of Dharma and Artha literature and to their mutual relations, are valuable. For a mere indication of the sources of Indian Cameralism, the distinction is not necessary.

Traditions of its Origin

Ancient tradition ascribed a common source to both classes of literature. A well known story of the *Mahābhārata*, gives two traditions, relating to the origin and progress of *Arthas'āstra* and *Dharmas'āstra* respectively. Bṛhaspati, S'iva (Vis'alākṣa), Kāvya (S'ukra), Indra, Manu-Prācetasa, Bharadvāja and Gauras'iras were the sages through whom Arthas'āstra, descending from the Supreme Being, was handed down to the world.[1] In another chapter, it is stated that the Creator composed a colossal work on *Daṇḍanīti*, which was abridged successively by Vis'ālakṣa (S'iva), Subrahmaṇya,

[1] *Sāntiparva*, 57, 1-3 : एतत्ते राजधर्माणां नवनीतं युधिष्ठिर । बृहस्पतिर्हि भगवान् नान्यं धर्मं प्रशंसति ॥ विशालाक्षश्च भगवान् काव्यश्चैव महातपाः । सहस्राक्षो महेन्द्रश्च तथा प्राचेतसो मनुः ॥ भरद्वाजश्च भगवान् तथा गौरशिरा मुनिः । राजशास्त्रप्रणेतारो ब्राह्मणा ब्रह्मवादिनः ॥

Indra, Bṛhaspati and Sukra.[1] In a third place, we are told that the seven sages composed a huge work on Dharma, which Manu-Svāyambhuva promulgated, and Bṛhaspati and S'ukra composed abridgements of Manu's work.[2] A fourth tradition in a Smṛti, is to the effect that Manu composed a huge work on Dharmas'āstra, communicated it to Nārada, who then abridged it, and it was subsequently abridged by Mārkaṇḍeya, and further compressed by Sumati-Bhargava.[3] The extant *Manusmṛti* narrates how Manu, who was descended from Brahma, instructed his pupil Bhṛgu (*i.e.*, Bhārgava)

[1] *S'āntiparva*, 58, 83—ततोऽध्यायसहस्राणां शतं चक्रे स्वबुद्धिजम् । यत्र धर्मस्तथैवार्थः कामश्चैवानुवर्णितः । ॥ २९ ॥ यैर्यैरुपायैर्लोकास्तु न चलेदार्यवर्त्मनः । तत्सर्वं राजशार्दूल नीतिशास्त्रेऽभिवर्णितम् ॥ ७७ ॥ ततस्तां भगवान्नीतिं पूर्वं जग्राह शङ्करः ॥ ८३ ॥ युगानामायुषो ह्रासं विज्ञाय भगवाञ्छिवः । संचिक्षेप ततः शास्त्रं महाशास्त्रं ब्रह्मणा कृतम् ॥ (८९) वैशालाक्षमिति प्रोक्तं तदिन्द्रः प्रत्यपद्यत । दशाध्यायसहस्राणि सुब्रह्मण्यो महातपाः ॥ मघवानपि तच्छास्त्रं देवात्प्राप्य महेश्वरात् । प्रजानां हितमन्विच्छन् संचिक्षेप पुरन्दरः ॥ सहस्रैः पञ्चभिस्तात यदुक्तं बाहुदन्तकम् । अध्यायानां सहस्रैस्तु त्रिभिरेव बृहस्पतिः । संचिक्षेपेश्वरो बुद्धया बार्हस्पत्यं यदुच्यते ॥ अध्यायानां सहस्रेण काव्यः संक्षेपमब्रवीत् । तच्छास्त्रममितप्रज्ञो योगाचार्यो महायशाः ॥ (८९-९३).

[2] *S'āntiparva*, 343, 28, 45-46—

ये हि ते ऋषयः ख्याताः सप्त चित्रशिखण्डिनः ।
तैरेकमतिभिर्भूत्वा यत्प्रोक्तं शास्त्रमुत्तमम् ॥
तस्मात्प्रवक्ष्यते धर्मान्मनुः स्वायंभुवः स्वयम् ।
उशना बृहस्पतिश्चैव यदोत्पन्नौ भविष्यतः ।
तदा प्रवक्ष्यतः शास्त्रं युष्मन्मतिभिरुद्धृतम् ॥

[3] इह हि भगवान्मनुः प्रथमं सर्वभूतानुग्रहार्थं आचारस्थिति-हेतुभूतं शास्त्रं चकार । तदेतदत्र तं श्लोकशतसहस्रेण साशीतिनाध्यायसहस्रेण च भगवान्मनुरुपनिबध्य देवर्षये नारदाय प्रायच्छत् । स च द्वादशभिः सहस्रैः संक्षिप्य तं च महर्षये मार्कण्डेयाय प्रायच्छत् । स चाष्टभिः सहस्रैः संचिक्षेप तं च सुमतये भार्गवाय प्रायच्छत् । सुमतिरपि चतुर्भिः सहस्रैः संचिक्षेप ॥ नारदस्मृतिः, पृ. १-२.)

to communicate the science of Dharma to the world.[1] The *Bhavisya Purāṇa* mentions four instead of three versions of the original *Dharmas'āstra* of Manu, as composed by Bhṛgu, Nārada, Bṛhaspati, and Aṅgiras respectively.[2]

SIGNIFICANCE OF THE TRADITION

Another instance of the attribution of a divine origin to branches of knowledge is furnished by Vātsyāyana. The Supreme Being (Brahmā) having created men, composed, for the purpose of insuring the realization of the *trivarga*, a huge work in hundred thousand verses. That part of it which related to Dharma was edited by Manu-Svāyambhuva, that on *Artha* by Bṛhaspati, and that on Kāma by Nandī, from whom the *Kāmasūtra* descended from teacher to teacher to Vātsyāyana's day.[3] The derivation of all branches of knowledge from a divine source became a literary fashion. Rājas'ekhara (circa. 900 A.D.) has a story that the science of poetry was composed by the Supreme Being, who taught it to Brahmā and sixty-four other pupils, that Brahmā imparted

[1] एतद्वोऽयं भृगुः शास्त्रं श्रावयिष्यत्यशेषतः । एतद्धि मत्तोऽधिजगे सर्वमेवाऽखिलं मुनिः ॥ (मनु, १, ५९)

[2] भार्गवी नारदीया च बार्हस्पत्याङ्गिरस्यपि ।
स्वायंभुवस्य शास्त्रस्य चतस्रः संहिता मताः ॥
(cited in V. N. Mandlik's *Vyavahāra-Mayūkha*, p. xlvii, where it is ascribed to *Skāndapurāṇa*)

[3] प्रजापतिर्हि प्रजाः सृष्ट्वा तासां स्थितिनिबन्धनं त्रिवर्गस्य साधनमध्यायानां शतसहस्रेण प्रोवाच । तस्यैकदेशं स्वायंभुवो मनुर्धर्माधिकारिकं पृथक् चकार । बृहस्पतिरर्थाधिकारम् । महादेवानुचरश्च नन्दी सहस्रेणाध्यायेन पृथक्कामसूत्रं प्रोवाच ॥ (कामसूत्र, १, ५-७)

it to his son Kāvyapuruṣa, who taught it to Indra and others.[1] Whether Rājes'ekhara's story is a cynical parody of the accounts in the *Mahābhārata*, and the *Kāmasūtra*, or records an old tradition, is not very material, as the divine origin of knowledge is a general hypothesis of ancient Indian thought. This implication of the derivation is not that the sciences acquire a sanctity from their inspired origin, but it merely denotes that 'God is the first postulate of knowledge.' It has indeed been suggested that a divine origin for branches of knowledge gives the sciences the same rank as the Purāṇas. The essential point of the story is not the sanctification of the different branches of knowledge, so much as of knowledge itself.

ARTHAS'ĀSTRA IN THE ORGANON OF INDIAN THOUGHT

Among the Indian writers on *Arthas'āstra* themselves, the divinity of their science is implied rather than openly stated. Kauṭilya declares *Vidyā* (Knowledge) to be fourfold *viz.*, Revelation (*Trayī*), Philosophy (*Ānvikṣikī*), *Vārta*, and *Daṇḍnīti*. Under Revelation, he brings the Vedas, Itihāsas, and Purāṇas.[2] He places *Arthas'āstra* within Itihāsa. Other ancient Indian traditions class it as an appendage of *Atharva-veda*.[3] To relate *Arthas'āstra* to the fourth Veda is not to imply its inferiority to other branches of knowledge. To kings, the *Atharvaveda* was of paramount importance. The

[1] काव्यमीमांसा.

[2] आन्वीक्षिकी त्रयी वार्ता दण्डनीतिश्चेति विद्याः। सांख्यं योगो लोकायतं चेत्यान्वीक्षिकी। धर्माधर्मौ त्रय्याम्। सामर्ग्यजुर्वेदास्त्रयः त्रयी। अथर्ववेदेतिहासवेदौ च वेदाः॥ (अ. शा., pp. 6-7)

[3] S'aunaka's *Caraṇavyūha*.

royal preceptor (like Kālidāsa's Vasiṣṭha, who has been described as 'the treasury of the Atharva lore' *Atharvanidhi*) had to be an adept in *Atharvaveda*.[1] The *Atharvaṇa Paris'iṣṭa* describes *Atharva-veda* as a *Brahma* 'divine' Veda.[2] For coronations and other important royal ceremonials, the *sūtra* authority is the *Kaus'ika-sūtra*, which belongs to *Atharvaveda*.

Points of its Inclusion in the Vedic Group

The exaltation of the *Arthas'āstra* reached its apogee in ~~in~~ the 12th century, when the Smṛtikāra Lakṣmīdhara, the foreign minister of King Govindacandra of Benares, classed it as a *Sixth* Veda, the *Mahābhārata* having been already admitted as the fifth.[3] Whether *Arthas'āstra* was a sixth Veda or a part of the fourth Veda or the fifth Veda, the significance of the suggestion is obvious, and is shown by Āpastamba, who defines the Knowledge which is open to women and S'ūdras, as 'the furtherest limit of the Vedas.'[4] The interdiction of the Veda to women and S'ūdras did not extend to the *Itihāsas* and *Purāṇas*.[5] Accordingly, the drift of the derivation is, firstly, that *Arthas'āstra* forms an orthodox branch of knowledge, as contrasted with heretical sciences, and secondly, that it can be studied by women as well as

[1] *Raghuvaṁs'a*, I, 59.

[2] Max Müller—*History of Ancient Sanskrit Literature*, 1860, p. 445.

[3] "Lakshmīdhara, the foreign minister of King Govindacandra–deva of Benares, calls Artha-s'āstra, the Sixth Veda" (K. P. Jayasval, *Rājanītiratnākara*, 1924, *Introduction*). I have not been able to trace in the *Kṛtyakalpataru* of Lakṣmīdhara any such dictum.

[4] सा निष्ठा या विद्या स्त्रीषु शूद्रेषु च (आ. ध. सू., २, २९, ११)

[5] *Manusmṛti*, IV, 80, 'न शूद्राय मतिं दद्यात्' is often interpreted as forbidding instruction in *Arthas'āstra* to S'ūdras.

by men, and by all members of the community, in spite of its Vedic affinity. In the epochs of Buddhist predominance, as much as in periods of Hindu reaction, a claim of this kind has value. It further served to prevent the views of *Artha-s'āstra* being brushed aside, if they seemed to be in conflict with the views of Smṛti.

IDEA OF TRIVARGA

The hyphen between *Arthas'āstra* and *Dharmas'āstra* is the Indian conception of *trivarga*—the three-fold aim of existence—*Dharma*, *Artha* and *Kāma*. The terms are difficult to render into English. *Dharma* signifies a rule of duty or conduct, which is in harmony with specific religious injunctions. In the *Aitareya Brāhmaṇa*, Dharma stands for the sum-total of religious duties;[1] in the *Chandogya Upaniṣad* it is treated as the duty of caste and station;[2] and the idea is amplified by the commentator Medhātithi, so as to comprise five classes of duties.[3] *Artha* on the other hand, as a part of *trivarga*, is best translated as 'well-being' and *Kāma* as 'pleasure.' A common scholastic exercise was to compare the relative importance of the three.[4] There was

[1] धर्मस्य गोप्ता जानीति तमभ्युत्कृष्टमेवंविदभिषेक्ष्यन्नेतयार्चाभिमन्त्रयेत ॥ ऐ. ब्रा., ७, १७.

[2] त्रयो धर्मस्कन्धा यज्ञोऽध्ययनं दानमिति प्रथमस्तप एवेति द्वितीयो ब्रह्मचार्याचार्यकुलवासी तृतीयोऽत्यन्तमात्मानमाचार्यकुलेऽसादयन् सर्व एते पुण्यलोका भवन्ति ब्रह्मसंस्थोऽमृतत्वमेति ॥ (२, २३)

[3] पञ्चप्रकारो धर्म इति स्मृतिविवरणकाराः प्रपञ्चयन्ति । वर्णधर्म आश्रमधर्म वर्णाश्रमधर्मो नैमित्तिको धर्मो गुणधर्मश्चेति ॥ (मेधातिथिः, २, २५)

[4] See the discussion in my *Ancient Indian Economic Thought*, Benares, 1934, pp. 17, 18, 21, 24, 38 and 66; Bhagavan Das, *Science of Social Organization*, 1932, pp. 41-56.

unanimity in the view that each should be pursued in union with the other two, the preceding factor in the order of enumeration, being given precedence over the succeeding.[1] The hedonism of the Indian Cameralist is shown by Kauṭilya's injunction to kings not to neglect aesthetic satisfaction and cutivate a joyless existence, while pursuing *Dharma* and *Artha*.[2]

ARTHA AND DHARMA—THEIR AFFINITIES

Considered in this sense, the science relating to each of the *trivargas* would have the same ends as those of the other two, but the ways of approach to the common end will be different. The overlapping of *Artha* and *Dharma* is not only permissible but necessary.[3] In later times, collections

[1] धर्मार्थावुच्यते श्रेय: कामार्थौ धर्म एव च ।
अर्थ एवेह वा श्रेयस्त्रिवर्ग इति तु स्थिति: ॥ (मनु, २, २२४)
अन्योन्यानुबद्धं परस्परस्यानुपघातकं त्रिवर्गं सेवेत । कामसूत्र, २, १) । तेषां समवाये पूर्व: पूर्वो गरीयान् (कामसूत्र, २, १४)

[2] धर्मार्थविरोधेन कामं सेवेत न निस्सुख: स्यात । समं वा त्रिवर्गमन्योन्यानुबन्धम् । एको हि अत्यासेवितो धर्मार्थकामानामात्मानमितरौ च पीडयति । अर्थ एव प्रधान इति कौटिल्य: । अर्थमूलौ हि धर्मकामौ इति (अर्थ. शा., १. ७)

[3] Cf. *Padmapurāṇa*, VI, ch. 248, verse 12—धर्मादर्थोऽर्थत: काम: कामाद्धर्मफलोदय: । इत्येवं निर्णयं शास्त्रे वर्णयन्ति विपश्चित: ॥; *S'āntiparva*, 123, 3—5 कामप्रभवसंस्थासु सज्जन्ते च त्रयस्सदा ॥ धर्ममूलोऽर्थ इत्युक्त: कामोऽर्थफलमुच्यते । संकल्पमूलास्ते सर्वे संकल्पो विषयात्मक: । मूलमेतत्त्रिवर्गस्य निवृत्तिर्मोक्ष उच्यते ॥; *Matsyapurāṇa*, 241, 4—धर्महीनस्य कामार्थौ वन्ध्यासुतसमौ ध्रुवम् । धर्मादर्थस्तथा कामो धर्माल्लोकद्वयं तथा ॥" *S'āntiparva*, 8, 13: धर्मं स हरते तस्य धनं हरति यस्य स: ॥ धर्म: कामश्च स्वर्गश्च हर्ष: क्रोध: श्रुतं दम: । अर्थादेतानि सर्वाणि प्रवर्तन्ते नराधिप ॥ (*Ibid.*, 21): and *Svargārohaṇa-parva* 5, 75—धर्मादर्थश्च कामश्च स किमर्थं न सेव्यते ॥

of Dharma (*Dharmasaṁhita*), like those of Manu and Yājñavalkya absorbed large slices of doctrine from the *Arthas'āstra*. But, they had a common element even from the beginning. The brief allusions to *Rājadharma* (the subject matter of *Arthas'āstra*) in old smṛtis, like those of Gautama, Baudhāyana, and Āpastamba, relate to the duties of the king, civil law, and economic regulations. Their later elaboration in great metrical smṛtis, like those of Manu and Yājñavalkya, might mean that *Arthas'āstra* was originally taught in the schools of *Dharmas'āstra*. This idea will be correct if stated in the form that instruction in *Dharmas'āstra* and *Arthas'āstra* was normally given by one and the same Brahmanical teachers. The monopoly of instruction in all branches was possessed by the Brāhmaṇa teacher.[1]

THEIR ALLEGED RIVALRY

An essential difference between the *Arthas'āstra* and the *Dharmas'āstra* has been made out to be this: *Dharmas'āstra* rests its teachings on the Veda, while *Arthas'āstra* inculcates principles, independently of their conformity or in opposition even to the Veda. This view is untenable. Even a suggestion that a Hindu science, like *Arthas'āstra*, steers clear of the Veda, *i.e.*, is *Vedabāhyaka*, is an outrage on Hindu belief. It will be inconceivable to a Hindu that anything contrary to the Vedas could have validity. It is true that, in the indication of the schools of philosophy of most value to the student of *Arthas'āstra*, and to kings particularly, Kauṭilya cites only the *Sāṁkhya*, *Yoga* and *Lokāyata* schools. The recommendation of these rational philosophies for regal *study*

[1] *e.g.*, Kṛpa and Droṇa, both Brāhmaṇas were the teachers of the art of war to the Kauravas and Pāṇḍavas.

is not the same thing as an injunction to the prince to *accept* their doctrines.

THEIR ALLEGED SECULARISM

Kauṭilya took the world as he found it, composed of believers and heretics, the followers of normal and of abnormal religious practices. He was himself orthodox, but there are recommendations in the *Kauṭilīya* for the considerate treatment of heretic[1] schools of philosophic thought, which kept out the Veda and organized themselves obviously for defence in a hostile atmosphere of orthodoxy. The organization of the Buddhist Saṅgha is an outstanding example of such a hetrodox foundation. Nārada mentions guilds of heretics and enjoins the enforcement of their rules.[2] In works on *Rājadharma*, kings are advised to give precedence in audiences to heretics, magicians and Brāhmaṇas.[3] The implication means that weakness and power should both receive attention. It is noteworthy that while *Vārtā*, (Economics of Agriculture, Industry and Trade) has to be learnt by Kauṭilya's Prince from *experts*, who will necessarily be non-brāhmaṇas, the study of the three suggested groups of philosophies, is to be pursued only *under brāhmaṇas* of unimpeachable *orthodoxy* and rectitude (*s'iṣṭa*). Yājñavalkya while grouping heretics with thieves, women who murder their husbands, prostitutes,

[1] Cf. p. 39—देवताश्रम-पाषण्ड-श्रोत्रिय-पशु-पुण्यस्थानानां बालवृद्धव्याधित-व्यसनिन्यनाथानां स्त्रीणां च क्रमेण कार्याणि पश्येत् (राजा). पाषण्डसंघ is mentioned on p. 36, and the wealth of such corporations on p. 242.

[2] पाषण्डिनैगमादीनां स्थितिः समय उच्यते। समयस्यानपाकर्म तद्विवादपदं स्मृतम् ॥ पाषण्डिनैगमश्रेणीपूगव्रातगणादिषु। संरक्षेत् समयं राजा दुर्गे जनपदे तथा ॥ (नारदस्मृति, १०, १-२)

[3] *Supra*, f. n. 1.

drunkards and suicides and the like, whose death does not entail the observation of death impurity and libations to the manes,[1] allows the customs of heretics to be enforced as laws.[2] Hatred of the heretics cannot be carried to the length of ignoring their influence. The heretic is a nuisance who is to be reckoned with ; but his is not an example to be followed.

SCOPE OF ARTHAS'ĀSTRA

Kauṭilya indicates his conception of the scope of *Ārthas'āstra* in two contexts. Government (*Daṇḍa*) is necessary for the existence and functioning of philosophy, the traditional faith and economic occupation.[3] The science which regulates it is *Daṇḍanīti*. Its purpose is to acquire advantages, which are not already possessed, to conserve what has been acquired, to increase what is conserved, and to effect a distribution among proper recipients.[4] The ordinary business of life is rooted in *Daṇḍanīti*. He who aspires to lead a normal life should therefore uphold Government. *Vārtā* (the Economics of Agriculture, Industry and Trade) comes within *Daṇḍanīti*. Kauṭilya holds that the Earth is of concern only because it is the home of men, that the

[1] पाखण्डयनाश्रिता: स्तेना भर्तृघ्न्य: कामगादिका:। सुराप्य आत्मत्यागिन्यो नाशौचोदकभाजना: ॥ (याज्ञ. स्मृ., ३, ६).

[2] श्रेणिनैगमपाखण्डिगणानामप्ययं विधि: ।
भेदं चैषां नृपो रक्षेत् पूर्ववृत्तिं च पालयेत् ॥ (याज्ञ. स्मृ, २, १९२).

[3] आन्वीक्षकीत्रयीवार्तानां योगक्षेमसाधनो दण्डः। . . तस्यामायत्ता लोकयात्रा। तस्माल्लोकयात्रार्थी नित्यमुद्यतदण्डस्स्यात् ॥ (अ. शा., p. 9.)

[4] अलब्धलाभार्था लब्धपरिरक्षणी रक्षितविवर्धनी वृद्धस्य तीर्थेषु प्रतिपादनी च ॥ (*Ibid.*, p. 9.)

preoccupation of men is with the pursuit of wealth and well-being, and that the function of *Arthas'āstra* is therefore to lay down the methods of acquiring and safeguarding the populated earth.[1] Thus, he would stress the politico-economic aspects in *Daṇḍanīti*, the economic aspect in *Vārtā*, and over and above both of them, the political aspect in *Arthas'āstra*. In his days, *Daṇḍanīti* was a part of *Arthas'āstra*, while in later times (possibly under the influence of Bṛhaspati, who claimed it to be the only relevant division of knowledge) it came to be equated with *Artha-s'āstra*.[2] S'ukra defines *Arthas'āstra* as the science which deals with the rational acquisitions of kings in ways harmonizing with the Scriptures.[3] Between Kauṭilya's conception of *Arthas'āstra* and S'ukra's there is this point to distinguish. Kauṭilya does not import conformity to the Scriptures into his definition, though the whole spirit of his teaching is to suggest it; S'ukra enunciates it explicitly. This may be explained as showing that the attacks on the Scriptures, in the time of the later writer, necessitated an emphatic assertion of their binding authority.

Its later Identification with Nītis'āstra

S'ukra equates *Arthas'āstra* with *Nīti*.[4] The preference of Kauṭilya for the term *Arthas'āstra* may be due to his

[1] मनुष्याणां वृत्तिरर्थः। मनुष्यवती भूमिरित्यर्थः। तस्याः पृथिव्या लाभपालनोपायः शास्त्रमर्थशास्त्रमिति ॥ (अ. शा., p. 424.)

[2] वार्ता दण्डनीतिश्चेति बार्हस्पत्याः (अ. शा., p. 6.)

[3] श्रुतिस्मृत्यविरोधेन राजवृत्तादिशासनम्।
सुयुक्त्यार्थार्जनं यत्र ह्यर्थशास्त्रं तदुच्यते ॥ (शुक्रनीति, ४, ३, ५५).

[4] दमो दण्ड इति ख्यातस्तस्माद्दण्डो महीपतिः।
तस्य नीतिर्दण्डनीतिर्नयनान्नीतिरुच्यते ॥ (*Ibid.*, १, १५७).

desire to bring his science within the ambit of the *Vidyās*, relating to the aims of life (*Trivarga*). S'ukra stresses the practical value of the precepts of *Arthas'āstra*, in describing it as a science *which guides* (*Nīti*). Though his work is less useful for practical guidance than his original (the *Kauṭilīya*), Kāmandaka gives his own book the title *Nitisāra*. It is likely that a neutral term, like *Nīti*, may have been preferred, owing to the established reputation of *Arthas'āstra* for practical-mindedness, as much as owing to the desire to use a term which would not obtrude the Brahmanical conception of *Trivarga*, in a Buddhist age.

The puzzling *Bārhaspatya Arthasūtra*,[1] in which signs of archaism and rampant modernism appear side by side, definitely holds the view that the fruit of the *Nītis'āstra* is the attainment of *Trivarga*,[2] though this view is opposed to the traditional heterodoxy of its reputed author, Bṛhaspati.

The great antiquity of the *Arthas'āstra* and its enduring influence are now established beyond doubt. There are citations in the *Kauṭilīya* of the opinions of eighteen of his predecessors.[3] How closely opinion on the fundamentals of the science came to approximate between the different schools is shown by the fewness of the points of divergence of view between Kauṭilya and his predecessors. In Sūtra literature, it is the convention that agreement must be presumed when dissent is not expressed. The remarkable freedom from

[1] ed. F. W. Thomas.

[2] नीतेः फलं धर्मार्थकामानि (२, ४३).

[3] Five schools are quoted by name *viz. Mānavāḥ, Bārhaspatyāḥ Aus'anasāḥ, Pārās'arāḥ*, and *Āmbhīyāḥ*. The following are cited as individuals: Kauṇapadanta (Bhīṣma), Ghoṭakamukha, Kātyāyana, Kiñjalka, Dirgha-cārāyaṇa, Parās'ara, Pis'una (Nārada), Pis'unaputra, Bāhudantīputra, Bhāradvāja (Droṇācārya), Vātavyādhi (Uddhava) and *Vis'ālakṣa* (S'iva). There are over forty quotations from *Acāryāḥ*, which I take to be a reference to his own teacher, in the honorific plural.

ethical or traditional bias, which some of the opinions of Kauṭilya's predecessors reflect, indicate periods of intense dialectical activity, in which argument was pursued step by step with ruthless logic.

Its Actual Relation to Dharmas'āstra

Dharmas'āstras themselves bear testimony to the powerful influence of *Arthas'āstra.* In a famous *sūtra* of Āpastamba (5th cent. B.C.) the king is asked to send certain transgressors for sentence to the *Purohita*, who *must* be expert in *Arthas'āstra* as well as in *Dharmas'āstra.*[1] The *Purohita*, from Vedic times, had a commanding influence in the Court.

While his work mainly lay in sacerdotal directions, one of his qualifications for office, was, by common consent of smṛtis and Nītis'āstra, his mastery of *Arthas'āstra.* Manu's famous denunciation of those, who are devoted to the study of *Arthas'āstra* and *Kāmasāstra*,[2] might indicate an irritation not unnatural in one who had felt the overpowering influence of the *Arthas'āstra.* Later smṛtis, which had witnessed the fusion in the Yajñavalkya and Manu *saṁhitas* of *Artha* and *Dharma* precepts, do not manifest this jealousy. Nārada advocates the harmonious application of both *Arthas'āstra* and *Dharmas'āstra.*[3] Hārīta holds that judicial proceeding

[1] तस्य चेच्छास्त्रमतिप्रवर्तेरन् राजानं गमयेत्। राजा पुरोहितं धर्मार्थकुशलम् ॥ (आप. ध., २, १०, १४-१५).

[2] योऽवमन्येत ते मूले हेतुशास्त्राश्रयाद्द्विजः ।
स साधुभिर्बहिष्कार्यो नास्तिको वेदनिन्दकः ॥ (२, ११).
अर्थकामेष्वसक्तानां धर्मज्ञानं विधीयते ।
धर्मं जिज्ञासमानानां प्रमाणं परमं श्रुतिः ॥ (२, १३).

[3] धर्मशास्त्रार्थशास्त्राभ्यामविरोधेन यत्नतः ।
संपश्यमानो निपुणं व्यवहारगतिं नयेत् ॥ (१, ३७).

to be righteous which is founded on the maxims of *Artha-s'āstra* and *Dharmas'āstra*, conforms to the usage of good men, and is not misleading.[1] That there was a time when there were separate courts in which the *Artha* and *Dharma* Laws were administered, as Common Law and Canon Law were administered in Mediaeval England, is shown by the bifurcation of judicial functions between the *Dharmasthīya* and *Kaṇṭakas'odhana* Courts in Mauryan India.[2]

THEORY OF ITS SECULARISM

In any consideration of the *Arthas'āstra*, as an analogue of Western Cameralism, it is not right to overlook the view of its alleged secular character. In favour of the view that Kauṭilya shows his freedom from ethical and religious bias in numerous ways, the following points have been cited: The *Purohita* is not one of the seven Prakṛtis or essential elements of the kingdom,[3] though he is given a dignified and lucrative office in the (Kauṭilīyan) administration;[4] Kauṭilya omits specifying the Purohita's skill

[1] धर्मशास्त्रार्थशास्त्रोक्त: शिष्टाचारादिलक्षण: ।
छलेन च व्यपेतो यो व्यवहार: स धार्मिक: ॥ (हारीत: cited in स्मृतिचन्द्रिका, व्यव., p. 26).

[2] The *Kauṭilīya* mentions two kinds of law-courts: *dharmasthīya* for civil litigation, and *Kaṇṭakas'odhana* for trial of crimes as well as the police duties of the prevention and detection of crime. Bks. III and IV are devoted to them. See V. R. Ramachandra Dikshitar, *Mauryan Polity*, 1932, pp. 161-164.

[3] स्वाम्यमात्यजनपददुर्गकोशदण्डमित्राणि प्रकृतय: (अर्थ. शा., p. 255).

[4] पुरोहितमुदितोदितकुलशीलं षडङ्गे वेदे दैवे निमित्ते दण्डनीत्यां चाभिविनीतमापदां दैवमानुषीणामथर्वाभिरुपायैश्च प्रतिकर्तारं कुर्वीत । तमाचार्यं शिष्य: पितरं पुत्रो भृत्यस्स्वामिनमिव चानुवर्तेत ॥ (अर्थ. शा., p. 15).

in the catalogue of the king's threefold *s'akti* (power);[1] Kauṭilya provides a place for Indian materialism (Lokāyatas) in the royal curriculum of studies;[2] Kauṭilya regards *Artha* (material welfare) as the paramount element of *Trivarga*;[3] two at least out of the four branches of knowledge (*vidyā*) in his category are secular. He denounces addiction to astrology.[4] He advocates immoral practices and unscrupulous fiscal measures. He permits judicial torture, which the *Dharmas'āstra* replaces by ordeals.[5] He allows the State to derive profit from the management of slaughter houses.[6] Lastly, he sanctions the remarriage of the deserted wife,[7] and permits divorce,[8] while to Manu marriage is indissoluble and a sacrament.[9] Modern scholars, who view with tolerance Hellenic lapses and the teachings of Machiavelli, are shocked by Kauṭilya's 'recommendation' of devices, which exploit the religious credulity of the people to the advantage of the king. To every one of these alleged proofs of Kauṭilya's secular bent

[1] शक्तिस्त्रिविधा—ज्ञानबलं मन्त्रशक्तिः। कोशदण्डबलं प्रभुशक्तिः। विक्रमबलमुत्साहशक्तिः ॥ (अर्थ. शा., p. 259).

[2] सांख्यं योगो लोकायतं चेत्यान्वीक्षकी ॥ (*Ibid.*, p. 6).

[3] अर्थ एव प्रधान इति कौटिल्यः। अर्थमूलौ हि धर्मकामाविति ॥ (अर्थ. शा., p, 12).

[4] नक्षत्रमतिपृच्छन्तं बालमर्थोऽतिवर्तते।
अर्थो ह्यर्थस्य नक्षत्रं किं करिष्यन्ति तारकाः ॥ (अर्थ. शा., p. 349).

[5] *Kāma* or judicial torture is dealt with in IV, 8, 83, pp. 218-221 of the *Arthas'āstra*.

[6] अर्थ. शा., २, २६, ४३ (पृ. १२२-१२३) (सूनाध्यक्ष).

[7] *Ibid.*, pp. 158-159.

[8] For divorce (*mokṣa*) see *Ibid.*, p. 155: the usual ground is mutual hatred-परस्परं द्वेषान्मोक्षः

[9] न निष्क्रयविसर्गाभ्यां भर्तुर्भार्या विमुच्यते (मनु, ९, ४६); अन्योन्यस्याव्यभिचारो भवेदामरणान्तिकः (*Ibid.*, ९, १०१).

of mind, an effective answer is possible. The *Purohita* is included in the ministry, which has a place among the 'seven *prakṛtis*'.[1] In unambiguous language, Kauṭilya lauds the triumph of the king, whose power is strengthened by the counsel of his *Purohita*.[2] Kauṭilya, like all ancient writers, makes skill in divination and magic, an essential qualification of the *Purohita*.[3] The study of *Lokāyata* is to be pursued *with safeguards* against atheistical influences.[4] The praise of *Artha* occurs in the *Dharmas'āstra* too,[5] while the transitoriness of material welfare is emphasized by Kauṭilya.[6] Kauṭilya was himself an adept in astrology and believed in it.[7] What he condemns is limp-backed fatalism, as contrasted with *Utthāna*, the spirit of enterprise,[8] of which we have an eloquent panegyric in the *Mahābhārata*. The dubious measures, which are

[1] मन्त्रिपुरोहितसखस्सामान्येष्वधिकरणेषु स्थापयित्वाऽमात्यानुपधाभिश्शोचयेत् ॥ (p. 16). Here the *purohita* is associated with the prime minister in testing the character of public servants.

[2] ब्राह्मणेनैधितं क्षत्रं मन्त्रिमन्त्राभिमन्त्रितम् । जयत्यजितमत्यन्तं शास्त्रानुगमशस्त्रितम् ॥ (अर्थ. शा., p. 16). The *brāhmaṇa* is the *purohita*.

[3] दैवमानुषीणां अथर्वभिरुपायैश्च प्रतिकर्तारं (पुरोहितं) कुर्वीत । (अर्थ. शा, p. 15).

[4] *Lokāyata* is comprehended in *ānvīkṣakī*, which must be studied by the prince under teachers of acknowledged orthodoxy and character (आन्वीक्षकीं शिष्टेभ्य:, p, 10).

[5] धर्ममूलोऽर्थ इत्युक्त:। (*S'āntiparva*, 123, 167.)

[6] का ह्यनित्ये धने दया ? (अर्थ. शा., p. 381).

[7] Kauṭilya (*Arthas'āstra*, p. 245) provides a salary of one-thousand for the soothsayer, the reader of omens and the astrolger (*kārtāntika naimittika-mauhūrtikāḥ s'āhasrāḥ*). Varāhamihira (*Bṛhajjātaka*, ed. Allahabad, 1912, pp. 131-132) refers to an astrological work by Viṣṇugupta (*i.e.* Kauṭilya). His commentator Bhaṭṭotpala quotes from a work on astrology by Cāṇakya (*i. e.* Kauṭilya). The *Mudrārākṣasa* utilizes the tradition of Kauṭilya's being an adept in astrology. See *Ancient Indian Polity*, p. 32.

[8] तस्मात् (राजा) उत्थानमात्मन: कुर्वीत (p. 37 and p. 428). राज्ञो हि व्रतमुत्थानम् (p. 39) ; अनुत्थाने ध्रुवो नाश: (p. 39, अर्थ. शा) *Utthāna* as preparedness is treated in *S'ukranīti* (I, 266) as preparedness for war.

recommended for circumventing an enemy and seditious subjects, are specifically limited to disloyal and unrighteous persons, and are not to be used against others.[1] There is little to choose between the risks of ordeals (*divya*) and torture. The supervision of the slaughter-house is a necessary measure of sanitation, in an epoch in which the killing of animals for meat was not interdicted.[2] Divorce is allowed only in the lower forms of marriage, and Kauṭilya specifically refuses it to those married in normal ways;[3] that is to say, it was permitted to the lower strata of Society, in which the cruder forms of marriage still prevailed. The discarded woman is permitted to remarry, even by some *Dharmas'āstras*.[4] Desperate occasions require desperate remedies, and the dubious fiscal expedients suggested by Kauṭilya are to be put into operation only when all normal measures fail.

On the other hand, the conformity of Kauṭilya, as a typical exponent of *Arthas'āstra*, to the recognized religio-social views of his day can be proved by many illustrations. He excludes from inheritance, and even from the claim to maintenance, the outcaste and his descendants.[5] He condemns *pratiloma* unions, and attributes their occurrence to

[1] एवं दूष्येषु अधार्मिकेषु च वर्तेत । नेतरेषु ॥ (अर्थ. शा., p. 244).

[2] Cf., परिसूनमशिरः पादास्थि विगन्धं स्वयंमृतं च न विक्रीणीरन् । अन्यथा द्वादशपणो दण्डः ॥ (अर्थ. शा., p. 123).

[3] अमोक्षो धर्मविवाहानाम् । (अर्थ. शा., p. 155).

[4] नष्टे मृते प्रव्रजिते क्लीबे च पतिते पतौ ।
पञ्चस्वापत्सु नारीणां पतिरन्यो विधीयते ॥ (नारदस्मृति, p. 186).

Medhātithi (मनु, ५), explains *pati* as *pālaka* (protector), and not as husband : तत्र पालनात्पतिमन्यमाश्रयेत सैरन्ध्रकर्मादिनात्मवृत्यर्थम् ॥

[5] पतितः पतिताज्जाताः क्लीबाश्चानंशाः । (अ. शा. p. 161).

regal neglect.[1] He regards the unorthodox king as worse than a ruler who is physically blind.[2] The ideal king should be devout and devoted to Dharma.[3] The best treasure is that which has been righteously come by.[4] Even hermits must be made to conform to the rules of their order.[5] The suicide and his abettors are to be punished.[6] A S'ūdra masquerading as a Brāhmaṇa is to be blinded or fined.[7] The immunities of Brāhmaṇas in taxation are to be respected.[8] Land owned by 'heretic Saṅghas' (*e.g.*, Buddhists) *may* be confiscated.[9] Kauṭilya prescribes incantations to secure rain,

[1] एते प्रतिलोमा: स्वधर्मातिक्रमाद्राज्ञः सम्भवन्ति (p. 165).

[2] अन्ध: चलितशास्त्रो वा राजेति—"अशास्त्रचक्षुः अन्धो यत्किंचनकारी दृढाभिनिवेशी परप्रणेयो वा राज्यमन्यायेनोपहन्ति ; चलितशास्त्रस्तु यत्र शास्त्राच्चलितमतिर्भवति, शक्यानुनयो भवतीत्याचार्या: । नेति कौटिल्य:—अन्धो राजा शक्यते सहायसंपदा यत्र तत्र वा पर्यवस्थापयितुमिति । चलितशास्त्रस्तु शास्त्रादन्यथाऽभिनिविष्टबुद्धिरन्यायेन राज्यमात्मानं चोपहन्तीति ॥ (pp. 323-324).

[3] तत्र स्वामिसंपत्—महाकुलीनो दैवबुद्धि: सत्वसंपन्नो वृद्धदर्शी धार्मिक: . . . इत्याभिगामिका गुणा: । (p. 255.)

[4] धर्माधिगत: पूर्वै: स्वयं वा हेमरूप्यप्रायश्चित्रस्थूलरत्नहिरण्यो दीर्घामप्यापदमनायतिं सहेत इति कोशसंपत् ॥ (p. 256).

[5] प्रव्रज्यासु यथाचारान्राजा दण्डेन वारयेत् ।
धर्मो ह्यधर्मोपहत: शास्तारं हन्त्युपेक्षित: ॥ (p. 191).

[6] रज्जुशस्त्रविषैर्वापि कामक्रोधवशेन य: । घातयेत् स्वयमात्मानं स्त्री वा पापेन मोहिता ॥ रज्जुना राजमार्गे तां चण्डालेनापकर्षयेत । न श्मशानविधिस्तेषां न संबन्धिक्रियास्तथा ॥ बन्धुस्तेषां तु य: कुर्यात् प्रेतकार्यक्रियाविधिम् । तद्गतिं स चरेत्पश्चात्स्वजनाद्वा प्रमुच्यते ॥ (p. 217).

[7] शूद्रस्य ब्राह्मणवादिनो देवद्रव्यमवस्तृणतो राजद्विष्टमादिशतो द्विनेत्रभेदिनश्च योगाञ्जनेनान्धत्वमष्टशतो वा दण्ड: ॥ (p. 225).

[8] श्रोत्रियस्वं च परिहरेत् (p. 240).

[9] पाषण्डसंघद्रव्यमश्रोत्रियभोग्यं हरेयुः (p. 242).

to cast off spirits, to prevent natural calamities.[1] Compelling a Brahman to consume interdicted food or drink is a criminal offence.[2] The private use of cattle dedicated to temples entails heavy punishments.[3] The *Varṇās'ramadharma* is to be maintained in its fulness.[4]

It has been alleged that S'ukra also shows secular mindedness. In proof of this position the following opinions of his are pointed out. Considerations of caste and family are important only in weddings and dinners.[5] The soldier's profession is not the monopoly of the kṣatriya caste.[6] What commands respect is character, not caste or family. Efficiency, irrespective of caste, is the main consideration in filling appointments.[7] Barbarians can enter the army and enjoy citizenship. On the strength of these opinions, it has been asserted "in S'ukra we rarely meet canonical views on Politics."[8] Such a dogmatic assertion can be rebutted by many statements from *S'ukranīti*. S'ukra makes the king the

[1] See अर्थ. शा., ४, ३, pp. 204-206 (उपनिपातप्रतीकार:).

[2] ब्राह्मणमपेयमभक्ष्यं वा सङ्ग्रासयत उत्तमो दण्ड: । (p. 231).

[3] देवपशुमृषभमुक्षाणं गोकुमारीं वा वाहयत: पञ्चशतो दण्ड: । (p. 233).

[4] चतुर्वर्णाश्रमो लोको राज्ञा दण्डेन पालित: ।
स्वधर्मकर्माभिरतो वर्तते स्वेषु वर्त्मसु ॥ (p. 9).

[5] कर्मशीलगुणा: पूज्यास्तथा जातिकुलेन हि । न जात्या न कुलेनैव श्रेष्ठत्वं प्रतिपद्यते ॥ विवाहे भोजने नित्यं कुलजातिविवेचनम् । सत्यवाक् गुणसंपन्न: तथाऽभिजनवान् धनी ॥ (शुक्र., २, ५६-५७).

[6] स्वधर्मनिरता नित्यं स्वामिभक्ता रिपुद्विष: ।
शूद्रा वा क्षत्रिया वैश्या म्लेच्छास्संस्कारसंभवा: ।
सेनाधिपास्सैनिकाश्च कार्या राज्ञा जयार्थिना ॥ (शुक्र., २, १३९-१४०).

[7] निरालसा जितक्रोधकामलोभा: प्रियंवदा: ।
राज्ञा नियोजितव्यास्ते सभ्यास्सर्वासु जातिषु ॥ (४, ५, १७).

[8] A. K. Sen, *Studies in Hindu Political Thought*, p. 6.

guardian of orthodox conduct.[1] He believes implicitly in Karma.[2] As 'the maker of the age,' the king should insist on the subjects following their respective traditional rules of conduct.[3] As the 'maker of time-cycles,' the king should teach his subjects what is ordained and inhibited by tradition.[4]

RESULTS OF THE THEORY

The erroneous assumption of the emancipation of *Artha-s'āstra* from religious and ethical tradition has spread from work to work, and in the transition has gained in strength and volume. A recent history of Indian Materialism asserts that the real theoretical materialism of India is *only* to be found in the *Nītis'āstra*, and that in Politics, the Hindus were emancipated from *all* prejudices, their *sole* point of view being human and moral.[5] Much capital is made of the traditional derivation of *Nītis'āstra* from Bṛhaspati, by the identification of this sage with the eponymous founder of the Lokāyata School. As a corrective to the time-honoured belief in the total absorption of the Indian mind in metaphysical speculation, and its alleged disdain of worldly matters, an illusion which has been revived in modern attempts to

[1] आचारप्रेरको राजा (शुक्र. १, २२).

[2] कर्मैव कारणं चात्र सुगतिं दुर्गतिं प्रति ।
कर्मैव प्राक्तनमपि क्षणं किं कोऽस्ति चाक्रिय: ॥ (शुक्र., १, ३७).

[3] कालस्य कारणं राजा सदसत्कर्मणस्त्वत: ।
स्वक्रौर्योद्यतदण्डाभ्यां स्वधर्मे स्थापयेत्प्रजा: ॥ (शुक्र, १, ६०).

[4] युगप्रवर्तको राजा धर्माधर्मप्रशिक्षणात् ।
युगानां न प्रजानां न दोष: किं तु नृपस्य हि ॥ (शुक्र., ४, १, ५८).

[5] A. M. Pizzigalli—"The real theoretical materialism of India is found in the Nitis'āstra." (B. K. Sarkar, *Hindu Sociology*, p. 187).

popularize or advertize Indian Philosophy—such emphasis on the liberal features of the thought of the Indian Cameralism is of value. But it is an attempt to apply to ancient Indian thought a category, which has no place in it. It overlooks an essential feature of Indian life and sentiment, *viz.*, that the distinction between "secular" and "religious," does *not* exist for the Hindu.[1] *All* branches of knowledge are part of a vast aggregate, which has its root in God. Even the distinction, now in vogue, between the religious-minded and worldly persons, the *vaidika* and the *laukikas*, is an anachronism, when applied to ancient India. The attempt ignores the essential points of identity between *Arthas'āstra* and *Dharmas'āstra*, and presumes differences where none exist.

The Liberal Views of Arthas'āstra

A refusal to characterize Indian Cameral thought as secular is not to stigmatize it as illiberal or irrational. Reasonableness is not necessarily modern. The jurisprudence of the *Arthas'āstra* is acclaimed as modern, when what is implied is only that it is sensible. The attitude of the *Arthas'āstra* towards women, has evoked admiration and has led an enthusiast to describe the *Arthas'āstra* as the emancipator of women. The services of *Arthas'āstra* in this respect merit praise. Kauṭilya's work not being *s'ruti* was open to women. His laws prohibit harshness to women. Striking a woman or abusing her in vile language are offences, even in men to whom they are under tutelage.[1] The right of owning separate

[1] 'नग्ने विनग्ने न्यङ्गेऽपितृकेऽमातृके' इत्यनिर्देशेन विनयग्राहणम् । वेणुदलरज्जुहस्तानामन्यतमेन वा पृष्ठे त्रिराघातः । तस्यातिक्रमे वाग्दण्डपारुष्यदण्डाभ्यामर्धदण्डाः ॥ (अर्थ. शा., p. 154-5).

property, judicial separation, remarriage, divorce, and inheritance are allowed to women.[1] Kauṭilya does not descend to the cynical gibes on the innate evil disposition of women, like S'ukra[2] and the so-called moralists.[3] Women are a first charge on their relations, and ultimately on the State, if unable to support themselves. They were not secluded. Their self-respect, even in poverty, is protected by affording them facilities for earning a living by honest work instead of going out to beg.[4] Kauṭilya's treatment of women, of slaves, and his laws of master and servant are considerate.[5] If to be wise is to be modern, more instances of modernism can be culled from S'ukra, as well as Kauṭilya.

METHODS OF ARTHA AND DHARMA WORKS

There is a *real* distinction between *Dharmas'āstra* and *Arthas'āstra*, which is indicated by the traditional affiliation of the latter to *Itihāsa*. All that means is that the principles

[1] For स्त्रीधन, मोक्ष, निवेश, See अर्थ. शा. ३, २ (pp. 151-154, and ३, ४, pp. 158-9).

[2] e.g., S'ukra, III, 120—कृत्वा स्वतन्त्रां तरुणीं स्त्रियं गच्छेन्न वै क्वचित् । स्त्रियो मूलमनर्थस्य तरुण्यः किं परैस्सह ॥

[3] e.g., मनु, २, २१३-२१४—स्वभाव एव नारीणां नराणामिह दूषणम् । अतोऽर्थान्न प्रमाद्यन्ति प्रमदासु विपश्चितः ॥ अविद्वांसमलं लोके विद्वांसमपि वा पुनः । प्रमदा ह्युत्पथं नेतुं कामक्रोधवशानुगम् ॥; also, ९, १४-१५—नैता रूपं परीक्षन्ते नासां वयसि संस्थितिः । सुरूपं वा विरूपं वा पुमानित्येव भुञ्जते ॥ पौंश्चल्याच्चलचित्ताच्च नैस्नेहाच्च स्वभावतः । रक्षिता यत्नतोऽपीह भर्तृष्वेता विकुर्वते ॥

[4] अर्थ. शा., २, २३ (p. 114). याश्चानिष्कासिन्यः प्रोषितविधवा न्यङ्गा कन्यका वा आत्मानं बिभृयुस्ताः स्वदासीभिरनुसार्य सोपग्रहं कर्म कारयितव्याः । स्वयमागच्छन्तीनां वा सूत्रशालां प्रत्युषसि भाण्डवेतनविनिमयं कारयेत् ॥

[5] The *Arthas'āstra* rules in these matters are identical with *smṛti* rules.

of *Dharmas'āstra* are eternal and are discoverable by research and intuition. The method of the *Arthas'āstra* is inductive. The historical method in an extreme form cannot be profitable in the social sciences, and the application of deduction and empiricism, presuming on psychological facts, is equally unprofitable. A combination of the two furnishes the happy mean. Such a mean is adopted in the *Arthas'āstra*. Kauṭilya and S'ukra are realists, who never lose their footing, and who enforce their conclusions by reference to tradition and history. Allowing for the scantiness of historical material in their days, even their crude historical methods mark their superiority to other writers. Sir Henry Maine denied the claim of the smṛtis to historicity, by declaring that a 'code' like Manu's described not what was, but what (according to a writer with sacerdotal views) ought to be.[1] The same charge used to be made against the scholastic writers of medieval Europe, and has been rebutted by Ashley, Cunningham and others. Undoubtedly, it might be difficult to discover any age in which the ideals of *Varṇās'ramadharma* were *fully* enforced. But, independent testimony is available to show in many epochs and kingdoms a great approximation of conditions to such ideals. The *Arthas'āstra* idealized perhaps less than the *Dharmas'āstra*, its function being more closely connected with the utilization of actualities. But, even an *Arthas'āstra* would suggest to kings ideals which were in advance of the time. The difference is less in idealization than in the degree of it. The *Arthas'āstra* had the restraining influence of its own method. In a famous passage, Kauṭilya lays upon a king's minister the duty to teach his sovereign, either by himself or through

[1] "It does not, as a whole, represent a set of rules ever actually administered in Hindustan. It is, in great part, an ideal picture of that which, in the view of the Brahmins, *ought* to be the law." (*Ancient Law*, ed. Pollock, p. 15.)

his favourites, the principles of *Arthas'āstra*, by means of illustrations drawn from history and tradition.[1]

IS ARTHAS'ĀSTRA OF NON-BRĀHMAṆA ORIGIN?

An attempt has sometimes been made to differentiate between the *Dharmas'āstra* and *Arthas'āstra* on the ground that the former was promulgated by Brāhmaṇa writers and the latter by non-brāhmaṇas. So far as Dharma literature is concerned, the statement may be correct, if semi-divine sages like Manu can be classified as Brāhmaṇas. In the middle ages, digests of *Dharmas'āstra* were composed under non-brāhmaṇa writers or patronage, as for example by Bhūpati or Dhāres'vara (Bhoja), Pratāparudra Gajapati, Todar Mal and possibly Caṇḍes'vara. We hardly know the caste of the chief writers on *Arthas'āstra* with the exception of Kauṭilya, who was a Brāhmaṇa. Somadeva was a Jaina, and Caṇḍes'vara possibly a Kṣatriya (Ṭhākur). But the three most considerable authorities on *Arthas'āstra* emanated from a Brāhmaṇa (Kauṭilya) and one who assumed the name of a mythical sage (S'ukra) as well as from Bṛhaspati.

IS IT A RIVAL OF DHARMAS'ĀSTRA?

It would be seen that the suggested opposition or antagonism of *Dharma* and *Artha* literature is misleading. The Indian view emphasized the necessity of both. For instance, *Nāradasmṛti* rules that the king should administer the law without discord between the rules of *Dharmas'āstra* and *Arthas'āstra*. Hārīta bases a valid judicial proceeding on

[1] मुख्यैरवगृहीतं वा राजानं तत्प्रियाश्रितः ।
इतिवृत्तपुराणाभ्यां बोधयेदर्थशास्त्रवित् ॥ (अर्थ. शा., p. 255).

both Arthas'āstra and *Dharmas'āstra.*[1] Vijñānes'vara explicitly brings *Arthas'āstra* within *Dharmas'āstra.*[2]

ARTHA CONTENT OF DHARMA LITERATURE

S'ukra's definition of *Dharmas'āstra* (smṛti) also makes it comprehend *Arthas'āstra.*[3] The statements of Vijñānes'vara and S'ukra are corroborated by an analysis of the contents of the smṛtis of Gautama, Āpastamba, Baudhāyana, Vasiṣṭha, Manu, Viṣṇu, Yājñavalkya, and Bṛhaspati. Such an analysis, reveals that the *Artha* content of these important smṛtis is quantitatively a sixth, a fifteenth, a twelfth, a fifth, a third, a fourth, a half, and a little less than a half of the smṛtis respectively. Almost the entire content of *Nāradasmṛti* is *Artha*-matter. The Smṛti of Bṛhaspati exists in fragments, of which the *Artha* portions have been better preserved than the non-*Artha.*[4] But, the importance of *Artha* matter in a smṛti cannot be decided quantitatively, as in *Dharmas'āstras* the disposition was to indicate topics or cardinal doctrines, and leave them for oral exposition either by *Dharma* schools or by *Artha* writers.

HOW THE TWO WERE SEPARATED FOR STUDY

I venture to suggest that the balance of probability is in favour of the separation of *Arthas'āstra* and its evolution as an independent subject, because the Smṛtis did not afford scope for the *detailed* exposition within their own covers of

[1] See footnote 1, p. 39, *Supra.*

[2] धर्मशास्त्रान्तर्गतमेव राजनीतिलक्षणमर्थशास्त्रमिदं विवक्षितम् (मिताक्षरा, २, २१).

[3] वर्णादिधर्मस्मरणं यत्र वेदाविरोधकम् । कीर्तनं चार्थशास्त्राणां स्मृतिः सा च प्रकीर्तिता ॥

[4] Collected and edited since the delivery of these lectures by the author and published in 1941 in the Gaekwad's Oriental Series as No. 85.

Artha material. With the progress of political evolution, the heads of the Smṛti schools must have experienced increasing inability, through want of experience, to discourse profitably on matters which necessitated continuous touch with the administration. This view does not rebut a presumption that in the ages in which *Arthas'āstra* had established its influence, silent borrowings by smṛtis from *Arthas'āstra* were carried on with the result that their teachings did not drift apart.

Why Arthas'āstra Gained Influence

A greater influence of *Arthas'āstra* may be presumed from its character and content, the prestige of the great names which were associated with the enunciation of its principles, and the dawn of epochs in which reference to the Veda and canonical authority for justification of the actions of domestic and political life and the consultation of literature based on such assumptions for guidance of ordinary life, did not hold out the appeal which the rational development of sociology by successive generations of Artha teachers held to kings and peoples. *Arthas'āstra* had a valuable asset in authors whose names are memorable for political achievement *e.g.*, Droṇa, Bhīṣma, Uddhava, Bṛhaspati, S'ukra and Kauṭilya. With the rise of non-kṣatriya dynasties, and in the heyday of non-Vedic religions like Buddhism and Jainism, the eclipse of *Dharmas'āstra* by *Arthas'āstra* was inevitable, even apart from the prestige of great names associated with the latter.

Later Readjustments of Views of Dharma

The *Dharmas'āstras* might have retained their influence by adjusting themselves to altered conditions, in the manner

in which the *Arthas'āstras* had done. The way in which mediaeval smṛtis and digests of *Dharmas'āstra* condone or find defence for departures from the strict *Varṇās'ramadharma* shows this. In the belief that for each age a separate Smṛti was especially valuable, *Parās'ara-Smṛti* being the one recommended for our Iron Age,[1] one may be tempted to see a belated, and somewhat pathetic attempt, to bring smṛti teachings into harmony with the times. The reconversion of an apostate, sea-voyages beyond the bounds of India, the extension of the area within which the practice of the elect (*s'iṣṭa*) might furnish precedents to follow, the necessity to throw open the kingship and the monasteries to non-Brahmans and non-kṣatriyas, creep into later usage.[2] That, in spite of its comprehensive character, *Manusmṛti* escaped an adaptation is possibly due to its being, as suggested by Dr. Jayaswal, the code *par excellence* of a Brahmanical reaction in the S'uṅga period.[3] There are passages in *Manusmṛti* which may appear to condone, against the spirit of Dharma, the occupation of the throne and of positions of military command by Brāhmaṇas. It has been argued that they can be appreciated only when viewed as defences of an accomplished Brahmanical usurpation. But, by that time, the influence of *Arthas'āstra* had been established.

ADAPTABILITY OF ARTHAS'ĀSTRA

The capacity of the *Arthas'āstra* to adapt itself to the times was greater than that of *Dharma*. When the great

[1] कृते तु मानवा धर्मास्त्रेतायां गौतमास्स्मृताः ।
द्वापरे शङ्खलिखिताः कलौ पाराशराः स्मृताः ॥ (पराशरस्मृति, १, २४).

[2] For reconversion of an apostate, see P. V. Kane, *History of Dharmas'āstra*, II, 972-974 and the pseudo-*Devalasmṛti*, printed in Smṛti Collections.

[3] Jayaswal, *Manu and Yājñavalkya*, p. 43.

empires again gave place to petty Hindu States, during the epoch of Muhammadan conquest, Caṇḍes'vara, in a work on *Rājanīti*, developed the theses that a king need not aspire to universal dominion (impossible for a mediaeval Indian Rājā), that he may be of *any* caste, that 'he is king who protects,' that the rites of coronation are unnecessary to validate a succession and that, as in conquest dominion is derived from facts, so in the succession to the throne mere possession confers legitimacy.[1] Its greater realism, its habit of rationalization, its steering clear of both citation of and conflict with the Sacred Word, and its recognized position as part of revealed literature, gave the *Arthas'āstra* for many centuries an influence not possessed by the parallel Dharma literature.

Why it Became a Close Science

The thoroughness with which, by a combination of learning and insight, reason and experience, the diseases of society and of political society in particular, had been dealt with exhaustively by Kauṭilya, rendered *Arthas'āstra* like those of Western Cameral works, welcome in the cabinets of kings. Their enunciation of possibilities, irrespective of their ethical or religious justifiability, gave a work like the *Kauṭilīya* a twofold inducement to become a cherished political classic. The description of the means by which a prince might outwit his enemies, if broadcast, might enable the victim to save himself. The enunciation of the methods of speculation by government servants[2] might put the dishonest public servant on his mettle, and compel him to discover

[1] *Rājanītiratnākara*, pp. 2-4.

[2] *Arthas'āstra*, Bk. II, Ch. 8.

unrecorded methods of deception. It is natural to construe a possibility as a recommendation. As with Machiavelli and writers of his type, an evil reputation has clouded the names of the exponents of *Arthas'āstra*. The gradual conquest of India by rulers of foreign extraction, first Hindus and then non-Hindus, reduced the areas within which the precepts of *Arthas'āstra* might be put into effect, and their results studied. The formation of great empires, which absorbed a host of minor kingdoms, had already produced the same result. The utility of the *Arthas'āstra* to the prince disappeared automatically, when the prince had become an Emperor, when a permanent administrative machine had taken the place of the inefficient hand-to-hand devices of old rulers, and when the autocracy of the king was established in theory and in fact. This was the case with Western Cameralism, and it was so with the Indian. The remarkable result of a school of thought, which had been influential enough to mould history and help in the creation of strong monarchies, becoming rapidly so obscure, by its own success, as to have allusions made to its doctrines by later writers, with an air of self-conscious learning has been the fate of Indian as of German Cameralism.

Indian and Western Cameral Literature Compared

It might be of interest to compare the contents of typical works on *Arthas'āstra* with a developed Cameral classic in order to bring out more fully the general resemblances between Western and Indian Cameralists. We may take up the works of Justi and Adam Smith's lectures on the one hand, and those of Kauṭilya and S'ukra on the other. Justi's

writings[1] contain a summary of all previous Cameral thought, and Adam Smith, though perhaps not aware of his affinities to Cameralism, virtually deals with the same topics as the Cameralists, and often in much the same way. Justi claims that Cameral sciences are very old in the world, since their application must have begun when property was introduced and States came into existence. He gives an analysis of government, and deals with the rules of succession, the duties of the Princes, the increase of the wealth and population of a State, commerce, mines, precious metals, trade, cooperation of rulers and subjects in promoting national wealth, cities, public finance, collection of extraordinary sums for the State, political organization, forms of government, polity etc. Adam Smith's lectures, which formed a prelude to the *Wealth of Nations*, begin by describing the objects of 'jurisprudence' (*i.e.*, Government) as Justice, Police, Revenue and Arms. The object of 'justice' is security from injury; of 'police' cheapness, plenty, public security and cleanliness; 'revenue' the levying and use of funds to defray the expenditure of government, and of 'arms' the protection of the nation and the formulation of laws of nations. 'Police,' like Cameral 'policy' is derived from Greek *politik*, which originally signified the policy of civil government, but came later to be restricted to sanitation, security, cheapness and plenty. In the *Kauṭilīya*, the principles and the techinque of government proper, occupy more than half the book, 'law' and 'police' a fourth, and what Adam Smith would call 'Arms' and 'Law of Nations,' the other fourth. Social and economic aspects are interwoven in the treatment of all the subjects. In the *S'ukranīti*, the social, ethical, and religious portions form a fifth of the whole, the political and administrative a little

[1] Small, pp. 284-480.

over a fourth, law and police, arms and economics a sixth, and technological matter a twelfth. The work of *Kāmandaka* [1] is similarly divided into king, society, government, foreign policy, police and the army. Its economic content is negligible, and it shows little knowledge of administrative technique. He was a mere compiler, and his work is a king-centred manual. The work of Somadeva [2] is mainly ethical, and is interspersed with shrewd remarks and advice on practical administration, obviously derived from observation and experience of life. It deals with politics, administration, law, military science, foreign policy and economics. A comparative analysis of the contents of Indian cameral works shows the applicability to them of Justi's dictum: "A Cameralist should at the same time be a police expert and an economist."

In the lectures that follow, Indian Cameralism will be considered in comparison with the western, under heads roughly corresponding to their main divisions, and considered as Sociology, Politics, Economics and Fiscal Science.

1 *Nītisāra.*
2 *Nītivākyāmṛta*

III

CAMERAL SOCIOLOGY

Definition

Cameralism is, in its essence, Sociology with a political bias. The character of the treatises in which its teachings were expounded, and the context in which they were made, precluded logical and complete statements of theory, such as would disclose the hypotheses from which the reductions of the science were made. To the contemporaries to whom Cameral writers mainly addressed themselves such statements were unnecessary. In times removed from those in which they were first stated an indication of the background of Cameral thought is necessary for a proper appreciation of Cameral teaching.

Postulates of Indian Cameralism

The postulates of Indian Cameralism are identical with those of Indian thought in general. They reflect the beliefs of the time. Society is accepted as it is held to rest on divine sanction. The divisions of society and social regulations have also a superhuman basis.[1] The final authority is the

[1] See the account of the creation in *Manusmṛti*, I, 5-111.

Veda.[1] Such views were universally entertained till creeds rose which denied the authority of the Veda. Even after the rise of such schismatic sects, the doctrines of reincarnation and transmigration (*saṁsāra*) and the eternity of thought and action (*karma*) were accepted as the common postulates of philosophy and life by even Indians who disbelieved in the revealed nature of the Veda.[2] The division of society into four castes and four orders (*Varṇās'ramadharma*) was generally presumed to be both necessary and divinely ordained.[3] The essential features of such a division were not rejected by even non-brahmanical thinkers. Opponents of the Brāhmaṇa claims like the Buddhists and the Jains did not altogether reject *Varṇās'rama*. Their canonical literature might place the Kṣatriya above the Brāhmaṇa, and refer to the latter as of a 'low caste (*hīnajāti*) but their reverence to the Brāhmaṇa is shown by the special privileges and immunities continued to him as much in Buddhist times as under *Varṇās'ramadharma*. The Hindu stages of life (*Ās'rama*) were imitated by the anti-Brahmanical bodies. The influence of Buddhism and Jainism popularized the asceticism and its modes, incorporated the first (*Brahmacarya*) and the last stages of Brahmanical division of life (*ās'rama*), and exalted them over the householder's life (*Gārhastya*)' against the spirit and even the express teachings of Brahmanism. Such an attitude was anti-social, uneconomic and anti-political. It was therefore condemned, and the spread of the monastic ideal among the people generally came in for strong condemnation from Brahmanical writers as being unorthodox. The pious man is exhorted to abjure States in which 'heresy'

[1] For the Veda as the ultimate source of Law, see *Manusmṛti*, II, 6-15.

[2] See H. C. Warren, *Buddhism in Translations*, 1906, *passim*.

[3] *Ibid*.

prevailed, in which heretics had power[1] and S'ūdras ruled as kings.[2] Such appeals, which are frequent in the Hindu smṛtis exhibit the combination of a social with a religious animus against Buddhism and Jainism.

The Hindus have believed that India is divinely marked out as the region of the Universe in which action is fruitful *i.e.*, good and bad *Karma* can be acquired. It is the place for action (*Karma-bhūmi*). The end of life is ultimate release from life (*Mokṣa*). That end may be attained by the pursuit of three objects, namely, Duty (*Dharma*), Welfare (*Artha*), and Pleasure (*Kāma*). The four aims of life (*Caturvarga*) correspond to the four stages of life (*Caturāsrama*). The *ās'rama* division is for discipline. Its successive stages reflect the gradual ascent of man by successive steps, by training of the individual when young, widening the range of his interests through the family, enforcing the obligations of the individual and the family to the race and race-culture through a retreat to the forests for meditation, and the realization of the debt of the individual to the Universal Spirit by his renouncing the World so as to come into tune with the Infinite.

The Triple Debt

The ideas are also conveyed by the ' doctrine of the triple debt ' (*Ṛṇatraya*).[3] Every human being is born with debt

[1] *Ibid.*, p. 41.

[2] न शूद्रराज्ये निवसेत् नाधार्मिकजनावृते ।
न पाषण्डिगणाक्रान्ते नोपसृष्टेऽन्त्यजैर्नृपैः ॥ (मनु, ४, ६१).

[3] जायमानो वै ब्राह्मणस्त्रिभिर्ऋणवा जायते ब्रह्मचर्येण ऋषिभ्यो यज्ञेन देवेभ्य, प्रजया पितृभ्यः एष वा अनृणो यः पुत्री यज्वा ब्रह्मचारिवासी । (तैत्ति. सं., ६, ३: १०, ५).

which must be discharged, before the cycle of his existence can cease. These obligations are the debt to ancestors, the debt to the authors of race-culture (*ṛṣis.*, *i.e.*, sages) and the debt to the gods, who sustain the Universe. The debt to ancestors is held to be discharged by the perpetuation of the race by starting a family, and the debts to the sages and gods are repaid by the education and the promotion of traditional culture, and by the practice of the prescribed sacrifice, ritual and worship.

The spirit of all canonical divisions of the people and life is *Discipline*. The pursuit of the ends of life, in an ordered sequence reflects the disciplined life. Each stage must normally be passed before the next is begun *i.e.*, *brahmacarya* before *gārhastya* and *gārhastya* before *sanyāsa*. The life of normal asceticism (*Sanyāsa*) was denied in Hinduism to the military and industrial sections of society.[1] It was opened to them by Buddhism and Jainism. A mode of living in accordance with the ideals of *Varṇās'rama* tended to create a type of life both in the world and out of it, which the Roman Catholic divines of the 17th and 18th centuries, who were the contemporaries of the European Cameralists, used to describe as " worldly asceticism " and popularize among the members of the middle class. What the Indian sects, which stood outside the pale of Brahmanism (*Vedabāḥyāḥ*) attempted to provide for *monks* only, was offered by Varṇās'rama-Dharma, in varying degrees, to *all* the members of the Society. The spirit of the regulation, which canonical writers as well as the *Arthas'āstra* make it the duty of the State to

[1] चत्वारो ब्राह्मणस्योक्ता: आश्रमा: श्रुतिचोदिता: । क्षत्रियस्य त्रय: प्रोक्ता: द्वावेको वैश्यशूद्रयो: ॥ (योगियाज्ञवल्क्य:).

maintain,[1] lies in the inculcation of self-restraint and of a sense of wide-spread obligation among all members of society. To a monk, who had followed the example of Luther and settled down as a married Protestant, trying to live the high moral life enjoined by Luther, a Catholic remarked "You *think* you have escaped from the monastery, but you are hereafter to be a monk through life." The remark illustrates the attitude to the life of restraint, which were taken by the orthodox and the un-orthodox Hindu sects.

The Western Cameralist derived comfort from the doctrine which Calvin popularized, that man is only the administrator of what God has given him, and that while he should fly from the world for his own selfish salvation he should, when remaining in the world, avoid all excess in pleasure, and look on co-operation with fellow-men and its discipline as his religious duty. *Varṇāśrama-Dharma* inspired the Indian thinker to similar views.

BRAHMACARYA

Both Smṛti and *Arthaśāstra* agree in regarding the Family as the unit of society, man as the object of all action and the life of the householder (*gṛhastha*) as the pivot on which society turns.[2] But the responsibilities of family life are to be undertaken only after adequate preparation of

[1] तस्मात्स्वधर्मं भूतानां राजा न व्यभिचारयेत् ।
स्वधर्मं संदधानो हि प्रेत्य चेह च नन्दति ॥
व्यवस्थितार्यमर्यादः कृतवर्णाश्रमस्थितिः ।
त्रय्या हि रक्षितो लोकः प्रसीदति न सीदति ॥ (अर्थ, शा., p. 8.)

[2] सर्वेषामपि चैतेषां वेदस्मृतिविधानतः । गृहस्थ उच्यते श्रेष्ठः स त्रीनेतान् बिभर्ति हि ॥ (मनु, ६, ८९).

the spirit, the mind and the body. This means that a Hindu had to pass through the first of the four stages of life namely (*Brahmacarya*). The high purpose of this stage is indicated by its name *Brahmacarya*, which may be explained as being with God. The Western Cameralist advocated a religious education in the interests of political and social stability, and viewed the belief in a future life of rewards and punishments for the acts done in this life, as of paramount disciplinary value.

Attitude to Heresy

From such a view, the transition to the conception of free-thought as a crime against the State and Society, and of an atheist as a potential rebel is easy. "No one denies God," asserts the shrewd Bacon "except he who has an interest in there being no God."[1] "From the opinion that there is no God," observes Montesquieu "comes our independence or our revolt."[2] By a parallel line of thought, the old Indian Statesmen and Sociologists reached the conclusion that the heretic (*Pāsaṇḍī*) was a political menace, and that heresy must be a penal offence. This attitude is somewhat similar to that of the Roman statesman, who recognized in nascent Christianity a danger to the Empire and therefore endeavoured to suppress it. It will account for the persecution of the heretic (*patita*) even by so level-headed a thinker as Kauṭilya.[3] A heretic is equated with the outcaste

[1] Cited in Small, *Cameralists*, p. 511.

[2] *Spirit of Laws*, XXXIV, 2.

[3] Manu (IX, 225) will banish heretics. Kauṭilya (p. 56) segregates them with Caṇḍālas on the outskirts of towns and villages, near cremation grounds. A heretic is suspect, and the police agents are to search his house (पाषण्डावासेषु विचयं कुर्युः, p. 144).

(*patita*), who is refused a right of inheritance.[1] A contract with a heretic for the payment of fees for ethical instruction cannot be enforced. The heretic forfeits the right to maintenance out of the family estate.[2] As a potential danger to the community, he is to be the object of police surveillance. By sheer necessity, heretics were compelled to organize themselves in powerful unions or guilds (*saṅgha*).[3] Heresy continued to spread in spite of repression, or was even helped by it. A common disguise suggested by Kauṭilya to the secret police agent is that of the heretic.[4]

Effect of Brahmacarya Ideal

The compulsion for all men to pass through the *Brahmacarya* with its rules of celibacy, discipline and subordination to the teacher (*guru*) had a triple effect. Education was compulsory; no *dvija* could escape it. As education was given by teachers, who were prohibited from demanding fees for their services, education was also free.[5] Being attuned to the different needs of castes and crafts in its form, duration

[1] The outcaste (*patita*) is dead in 'Civil Law' (*avyavahārya*, p. 175) and is excluded from inheritance (*anaṁs'a*, p. 161).

[2] अपत्यदारं मातापितरौ भ्रातॄनप्राप्तव्यवहारान् भगिनीः कन्या विधवाश्चाबिभ्रतः द्वादशपणो दण्डः । अन्यत्र पतितेभ्यः ॥ (अर्थ. शा., p. 48).

[3] पाषण्डसंघद्रव्यं . . अवहरेत् (p. 36), पाषण्डसंघद्रव्यमुपहरेयुः (p. 242).

[4] पाषण्डच्छद्म (p. 36). पाषण्डव्यञ्जन (p. 31).

[5] न पूर्वं गुरवे किंचिदुपकुर्वीत धर्मवित् । स्नास्यंस्तु गुरुणाज्ञप्तः शक्त्या गुर्वर्थमाहरेत ॥ मनु, २, २४५; भृताध्यापक and भृतकाध्यापित are to be avoided (वर्जनीयाः प्रयत्नतः, ३, १५६); and भृत्याध्यापन and भृत्याध्ययन are उपपातक (११, ६२).

and curricula, the orientation of Indian education was primarily vocational and practical. Like the ordered life, of which it marked the first stage, education in ancient India was consciously purposive. Its ideal was to have instruction spread over periods long enough to prepare youths for their after-careers.[1] Both the[2] student and the teacher were freed from family and social ties; ceremonial impurity, owing to the birth or death of relations, could not attach to students.[3] They had to live chaste[7] and abstemious lives, in poverty and in obedience to the teacher.[4] Ancient India upheld a high intellectual ideal, "The mind is free. Rational questioning cannot be heresy." "He alone who has raised and solved doubts can comprehend the significance of duties (*dharma*)" urges Manu (XII, 106).[5] The insistence of celibacy during the studentship, and the subordination of the student to various rules of personal hygiene, good manners and craftsmanship illustrate the all-round character of the old Indian educational ideal which Indian social thinkers upheld for acceptance as a foundation of society, while the long duration of *continued* schooling, ranging from nine to thirty-six years and the rule that education must be finished before one

[1] The duration of *brahmacarya* for Veda-Study is usually put down as twelve years for each Veda. Manu gives the lower limit of nine years or "till the Veda has been learnt" (*grahaṇāntikam*, III, 1).

[2] न राज्ञां मद्यदोषोऽस्ति व्रतिनां न च सत्रिणाम् । मनु, (५, ९३) 'व्रतिनः' ब्रह्मचारिणः इति कुल्लूकः

[3] Sexual intercourse with a woman is the most reprehensible act of a *brahmacārin*. One guilty of it is called *Avakīrṇin* and heavy expiation for the offence is prescribed in Smṛtis (e.g. *Manu*, XI. 118-120).

[4] Yājñavalkya I, 33-34; Manu, II, 41-75, 108, 117-139, 140-150, 161-162, 173-212; 216-240.

[5] आर्षं धर्मोपदेशं च वेदशास्त्राविरोधिना ।
यस्तर्केणानुसंधत्ते स धर्मं वेद नेतरः ॥

could marry and set up as a householder, should have resulted in family and civic responsibilities being undertaken only by persons who had already acquired the necessary physical and mental equipment which would enable them to bear such burdens.

POPULATION

A cardinal feature of Western Cameralism was its attitude towards population. The Cameralist desired an increase in numbers for his State, and suggested many ways of securing it. He was not unaware that in particular areas and circumstances the growth in numbers might outrun the food supply and produce the many evils subsequently described by Malthus in vivid language. This risk was a remote contingency to the German Cameralist in the depopulated condition of the kingdoms of his time. Justi held that the resources of Europe in the eighteenth century were sufficient to support six times its population. A similar position is taken by the Indian sociologists. An ingenious calculation has enabled a recent Indian economist to arrive at an estimate of the population of India in ancient times,[1] which fixes it as about a third of the present number. With the evidence of economic conditions of ancient Indian society which we have, it might show that the question of overpopulation was not then a present or potential danger though the frequent advice to kings to effect a redistribution of the population in their territory shows that the density was great in certain parts of the country.

ATTITUDE TO MARRIAGE

Consequently, *Dharma* and *Artha* S'āstras agree in blessing family life and the institution of marriage. The growing

[1] See *Ancient Indian Economic Thought*, pp. 83-84.

popularity of the monastic life should have made the need for increase in population more intense in ancient India, after the days of the Buddha onwards, than in Europe after the Reformation. It was not merely a numerical increase which was desired. Indian writers endeavoured by regulation to improve the quality of the population.[1] The eugenic provisions scattered through Indian social literature,[2] and the ages for marriage prescribed for the husband and the bride in normal marriages illustrate this attempt. The age of twelve specified for a bride as the proper one for marriage (Manu IX, 94) is that accepted by Kauṭilya for the legal majority of the girl.[3] The minimum age for the bridegroom was lowered by Kauṭilya to sixteen.[4] This provision may have been due to the feeling that, as among the non-Brāhmaṇa castes the duration of schooling was lower than that fixed for the Brāhmaṇa, it was unnecessary to postpone family life for the earning classes.[5]

[1] See Jayaswal, *Manu and Yājñavalkya*, pp. 293-295. Vasiṣṭha insists on good lineage (*Kula*) in a bride (I, 38)—कुलप्रणाशे त्विह सर्वनाशः । Yājña-valkya insists (I, 54) on it too.

[2] Interbreeding by consanguinous marriages (*e.g.*, cross cousin) was interdicted by the rule of *a-sapiṇḍa* marriage (Manu, III, 5). A girl from a sterile stock (*a-bhṛatṛka*, brotherless) is to be rejected. Yājñavalkya, recommends one with brothers, भ्रातृमती (I, 53). Girls who are diseased or are born of diseased parents should be rejected also (Manu, III, 8-10). Vātsyāyana's *Kāmasūtra*, (ed. Benares, p. 152) insists on good family, virginity, and being at least three years younger than the suitor, in a bride.

[3] त्रिंशद्वर्षोद्वहेत्कन्यां हृद्यां द्वादशवार्षिकीम् । त्र्यष्टवर्षोऽष्टवर्षां वा धर्मे सीदति सत्वरः ॥ (मनु., ९, ९४) ॥ द्वादशवर्षा स्त्री प्राप्तव्यवहारा भवति, षोडशवर्षः पुमान् (अर्थ. शा., p. 154). "Experience of having virtuous progeny out of grown-up men" and comparatively younger women should be presumed as a basis of disparity. (Jayaswal, p. 296).

[4] This is on the presumption that on attaining the age of legal majority he was free to marry.

[5] Early progeny has been desired by working class parents to add to family earnings and to secure support from grown up sons when disabled by age.

GĀRHASTHYA—MARRIED LIFE

The Indian attitude towards population was shown by the *exaltation of the married life.* The householder is praised as bearing the entire burden of society on his shoulders.[1] His life is not a whit less noble than that of the venerated ascetic. The purpose of marriage was urged as the production of offspring, an implied condemnation of birth-control within wedlock.[2] The same motive accounts for the condemnation of a married-state in which the husband neglects his wife.[3] There is also an implied—though not formal—rejection of polygamy, because, as Adam Smith pointed out long afterwards, polygamy (paradoxical as it may seem) does not result in as much increase in population as monogamy. The value attached to children is indicated by the provision made by Kauṭilya, (not to be found in any *smṛti*) for judicial separation and remarriage,[4] by the general permission of the levirate

[1] See footnote 2 of p. 61 ; also यथा नदीनदा: सर्वे सागरे यान्ति संस्थितिम् । तथैवाश्रमिण: सर्वे गृहस्थे यान्ति संस्थितिम् ॥ (मनु, ६, ९०) ; यथा वायुं समाश्रित्य वर्तन्ते सर्वजन्तव: । तथा गृहस्थमाश्रित्य वर्तन्ते सर्व आश्रमा: ॥ यस्मात् त्रयोप्याश्रमिणो ह्यनेनान्नेन चान्वहम् । ग्रहस्थेनैव धार्यन्ते तस्माज्ज्येष्ठाश्रमो गृही ॥ (मनु., ३, ७७-७८).

[2] प्रजनार्थं स्त्रियः सृष्टा: सन्तानार्थं च मानवा: ॥ (मनु., ९, ९६) ; सन्तानार्थं तु मैथुनम् (शान्तिपर्व, ११०, २३ ; ' प्रजायै गृहमेधिनाम (रघुवंश, १. ७) ; पुत्रार्था हि स्त्रियः (अर्थ शा., p. 153) ; अपत्यार्थं स्त्रियः सृष्टा: (नारद, १२, १९).

[3] वाच्यश्चानुपयन्पतिः (मनु., ९, ४). ऋतुकालाभिगामी स्यात् (मनु., ३, ४५) तीर्थोपरोधो हि धर्मवध इति कौटिल्य: । (अर्थ. शा., p. 159)

[4] Judicial separation of husband and wife along with permission to remarry is *divorce* (*mokṣa*). *Dharmas'āstra* does not allow it. The ideal of Manu (IX, 101) is "mutual fidelity until death" (*anyonyasya avyabhicāro bhavedā-maraṇāntikaḥ*). A wife may be kept out of conjugal intercourse if she has misbehaved, but is entitled to a *locus penitentiae*. This is because Dharmas'āstra treats marriage as a *saṁskāra* or sacrament. Kauṭilya allows a wife, whose husband has gone abroad, or become a recluse or is dead, to wait for a specified number of menstrual periods, and then marry a brother of the husband, nearest him in age and unmarried. If such a brother is unavailable she may marry a *sapiṇḍa*. (p. 159). Mutual hatred may justify a divorce (*mokṣa*), according to Kauṭilya, except in the first four forms of marriage (p. 155). There can be no release (divorce) at the instance of only one of the parties.

(*niyoga*),[1] by the sanction (for non-Brāhmaṇas particularly) of the simpler forms of marriage, like Gāndharva, which might be subsequently formalized by making the parties go through the prescribed religious ceremony, and by the elaborate discussions in the works of canonical and civil law of the title to the children born to mothers who had been married after conception had taken place.[2] The text of *Manusmṛti* (IX, 106) that the eldest son is alone the child of duty (*dharma-putra*) and that subsequent children are born of passion (*kāmajāḥ*) is to understand not as a rule of family limitation but an injunction to secure the perpetuation of the family by having atleast *one* son. The injunction of Yājñavalkya and Manu to the widower to remarry points in the same direction.[3] Its canonical justification is that the widower is neither a *Brahmacāri* nor a *Gṛhastha*, and belongs to no *ās'rama*, and that unless he marries again he is incompetent to keep up the sacred fire of the domestic hearth.[4] The great importance attached by Indian

[1] *Niyoga* is condemned by Manu (IX, 64-68). Kauṭilya allows it :

तेषां च कृतदाराणां लुप्ते प्रजनने सति । सृजेयुः बान्धवाः पुत्रान् तेषामंशं प्रकल्पयेत् ॥ (अर्थ. शा., p. 162). क्षेत्रे वा जनयेदस्य नियुक्तः क्षेत्रजं सुतम् । मातृबन्धुः सगोत्रो वा तस्मै तत्प्रदिशेद्धनम् । (*Ibid.*, p. 163).

[2] *Mitākṣarā* (I, 90)—अनेन कुण्ड-गोलक-कानीन-सहोढाजादीनां असवर्णत्व-मुक्तं भवति ॥ Aparārka (Y. I, 92, p. 118)—अविन्नास्वपि जातानां क्षेत्रजादि-पुत्राणां वर्णत्वाभ्युगमात् विन्नास्विति शास्त्रविहितपुत्रोत्पत्तिप्रकारलक्षणार्थम् । यत एव तेषां ब्राह्मणत्वं अस्ति ॥ Vis'varūpa (Yâj. II, 135)—गूढजकानीनौ तु मातृजातीयौ जनकापरिज्ञानाद्विज्ञेयौ ॥

[3] दाहयित्वाग्निहोत्रेण स्त्रियं वृत्तवतीं पतिः । आहरेद् विधिवद्दारान् अग्नींश्चैवाविलम्बयन् ॥ (याज्ञ., १, ८९); भार्यायै पूर्वमारिण्यै दत्वाग्नीनन्त्यकर्मणि । पुनर्दारक्रियां कुर्यात् पुनराधानमेव च ॥ (मनु., ५, १६८),

[4] अनाश्रमी न तिष्ठेत दिनमेकमपि द्विजः ॥ (दक्षः in स्मृतिचन्द्रिका, I, p. 176)—See, *Anc. Ind. Econ. Thought*, p. 173.

sociologists to population, and to marriage as the cause of it are also illustrated by Kauṭilya's placing marriage *first* among his titles of civil law, contrary to the practice of the legalists, who place recovery of debts (*ṛṇādānam*) first among the eighteen titles of Civil Law, and his justifying the innovation on the ground that all legal rights and obligations spring from marriage.[1]

The Indian sociologists lay much store on *virginity* in the bride, as a condition of valid marriage. A marriage could be declared void, after its conclusion, if it is discovered that the bride was not a virgin when the wedding took place.[2] A remarried woman is assigned a lower position in society and a widow who remarried was usually classed not as wife, but with a "free woman" (*Svairiṇī*).[3] The specified restrictions on remarriage are aimed against the remarriage of women, who are already mothers. In these rules, a telegonic purpose has been recognized by a modern critic.[4] He has also pointed out that the relative ages of bride and bridegroom laid down in our social literature conform to the views of modern criminologists that the most satisfactory offspring result from unions in which the parents are of approximately the ages specified by our writers.[5] A high political as well as moral purpose is behind Kauṭilya's justification of his concession to women to remarry in certain

[1] विवाहपूर्वो व्यवहारः । (अर्थ. शा., p. 151).

[2] विधिवत्प्रतिगृह्यापि त्यजेत्कन्यां विगर्हिताम् ।
व्या।धितां विप्रदुष्टां वा छद्मना चोपपादिताम् ॥ (मनु, ९, ७२).

[3] अक्षता च क्षता चैव पुनर्भूः संस्कृता पुनः ।
स्वैरिणी या पतिं हित्वा सवर्णं कामतः श्रयेत् ॥ (याज्ञ., १, ६७).

[4] Jayaswal, *Manu and Yājñavalkya*, p. 297.

[5] *Ibid.*, p. 296 citing Lombroso, *Crime, its Causes and Remedies*, p. 117.

circumstances, on the ground that to deny the right of bearing children to a potential mother is equal to the 'murder of righteousness' (*dharma vadhaḥ*).[1] Kauṭilya's rule is in line with his general belief in population being the source of economic activity and in his derisive reference to a thinly peopled area as neither a kingdom nor a country.[2]

The different starting points of the western and Indian Cameralists will account for their different attitudes towards free choice in marriage. Hindu exogamy refers (in normal types of marriage), to spiritual and not natural kinship. The husband and the wife, in the first three castes, cannot be of the same *pravara* or *gotra*. A marriage should ordinarily be between persons of the same caste.[3] In *theory*, the right of a man of a higher to take wives from those of the castes below his own caste did exist, but there were so many restrictions to it, and opinion was so hostile to the retention of his social position by the husband who entered into such relations,[4] that such a marriage must have been rare. A Brāhmaṇa who marries a S'ūdra woman and a Kṣatriya who marries a Vais'ya girl, were both to descend to the caste level of their respective partners *i.e.*, lose their own caste.[5] Marriages in

[1] p. 159.

[2] पुरुषापाश्रया (भूमिः) श्रेयसी । पुरुषवद्धि राज्यम् । अपुरुषा गौर्वन्ध्येव किं दुहीत । (p. 295).

[3] Gautama, IV, 2-5; Vasiṣṭha, VIII, 1-2; Baudhāyana, II, 1-38; Manu, III, 5; Viṣṇu, XXIX, 9-10.

[4] सवर्णाग्रे द्विजातीनां प्रशस्ता दारकर्मणि । (मनु., ३, १२).

[5] हीनजातिस्त्रियं मोहादुद्वहन्तो द्विजातयः ।
कुलान्येव नयन्त्याशु ससन्तानानि शूद्रताम् ॥
शूद्रां शयनमारोप्य ब्राह्मणो यात्यधोगतिम् ।
जनयित्वा सुतं तस्यां ब्राह्मण्यादेव हीयते ॥
दैवपित्र्यातिथेयानि तत्प्रधानानि यस्य तु ।
नाश्नन्ति पितृदेवास्तन्न च स्वर्गं स गच्छति ॥ (मनु., ३, १५, १७, १८).

which the wife was of a higher caste than the husband, are condemned as very improper and stigmatized as unnatural (*prati-loma*). The State is instructed to interdict such marriages and is warned that they can spring only from the negligence of their duties by princes.[1] Whether based on the dread of racial mixture, or of a confusion of occupations and functions in society, the objection to *pratiloma* unions and to inter-caste marriages is generally supported by vivid pictures of the catastrophe to society from caste-mixture (*varṇa-saṁkara*).[2] In a political society which granted fiscal immunities on the basis of caste, administrative difficulties will be foreseen as likely to spring from inter-caste marriages.

POLYGAMY

The Indian attitude towards marriage and the family requires a consideration of the position of *polygamy*. In theory, the right of a man to marry more wives than one existed but the practice must have been rare and confined to the military and ruling classes, except in special circumstances or in areas where, owing to the belief that they were outside the lands of orthodox Brahmanism, a special value comes to be attached to hypergamous unions with men of the purest blood and polygamy becomes a high-caste trade.[3] The

[1] ते एते प्रतिलोमाः स्वधर्मातिक्रमाद्राज्ञः संभवन्ति ॥ (अर्थ. शा., p. 165).

[2] लोकः सङ्करादुच्छिद्यते । तस्मात्स्वधर्मं भूतानां राजा न व्यभिचारयेत् (अर्थ. शा., p. 18).

अधर्माभिभवात्कृष्ण प्रदुष्यन्ति कुलस्त्रियः ।
स्त्रीषु दुष्टासु वार्ष्णेय जायते वर्णसङ्करः ॥
सङ्करो नरकायैव कुलघ्नानां कुलस्य च ।
पतन्ति पितरो ह्येषां लुप्तपिण्डोदकक्रियाः ॥ (भगवद्गीता, १, ४१-४२).

[3] This is the reason for the prevalence of hypergamy in Kerala and *Kulinism* in Bengal.

Kāmasūtra of Vātsyāyana, which contains realistic descriptions of polygamous households, shows that the life of the owner of a harem was by no means a happy one, and that it stimulated human perversity to maintain and to overcome the inviolability of the polygamous household.[1] The normal union envisaged by the Indian social writers is monogamy. Polygamy was rendered possible in ancient Indian society by the need to provide a vent for repressed sex impulses, and through the existence of a class of licensed public women, many of whom possessed the added attractions of personal beauty and mental culture.[2]

THE INDIVIDUAL AND THE FAMILY

In Indian polity and jurisprudence both the individual and the family are recognized units. The freedom of the individual is a natural deduction from the doctrine of *Karma*, which makes every person responsible for his own actions. The Indian fiscal system is based upon the assumption of every individual having the obligation to pay taxes or give unpaid labour to the State.[3] The joint family is maintained for economic and social purposes. Its unity and efficiency are ensured by giving wide powers to its senior male member.[4] The obvious advantages of family union are in the protection it gives to the weaker members, in the relief it affords to the State for the support of the indigent, whose maintenance is borne by their relations, and in the economic advantages of

[1] See H. C. Chakladar—*Social Life in Ancient India* (Studies in Vâtsyâyana's *Kāmasūtra*), 1929, pp. 177-178.

[2] गणिकान्वयामगणिकान्वयां वा रूपयौवनशिल्पसंपन्नां सहस्रेण गणिकां कारयेत् ॥ (अर्थ. शा., p. 123).

[3] *Ancient India Econ. Thought*, p. 135.

[4] अनीश्वरा: पितृमन्त: स्थितपितृमातृका: पुत्रा: । (अर्थ. शा., p. 160).

large-scale industry and agriculture. The family circle prepares by the discipline of the home and by the discipline of studentship, for heavier public responsibilities. The evasion of family responsibilities was to Kauṭilya a civil injury, and he armed the penal law with powers to punish men who ran away from their families and joined the ascetic orders leaving their dependents to shift for themselves or become charges on the State.[1]

Position of Women

The efficiency of a society is indicated by the treatment it gives to women. The Indian Cameralist has made a contribution in the direction of the emancipation of women. From early times, the woman's right to hold property had been recognized in India.[2] The right was strengthened by Indian jurists, who gave her control over her marriage gifts (*strīdhana)*, bride price *(s'ulka)* and her ornaments (*bhūṣana*).[3] The position of the wife was raised by making her the husband's partner in the management of the household and the estate, the steward of the family property and the family

[1] अपत्यदारं मातापितरौ भ्रातॄनप्राप्तव्यवहारान् भगिनीः कन्या विधवाश्चाबिभ्रतः शक्तिमतो द्वादशपणो दण्डः। अन्यत्र पतितेभ्यः। अन्यत्र मातुः। पुत्रदारमप्रतिविधाय प्रव्रजतः पूर्वस्साहसदण्डः। स्त्रियं च प्रव्राजयतः। लुप्तव्यवायः प्रव्रजेत् आपृच्छ्य धर्मस्थान्। अन्यथा नियम्येत ॥ (अर्थ. शा., p. 48).

[2] 'Nowhere were proprietary rights of women recognized so early as in India; and in very few systems of ancient law have these rights been conceded as in our own " (Gurudoss Banerjee—*Marriage and Stridhana*, 1879, p. 370 *Taittirīya Saṁhita*, VI, 2, 1, 1-9 पत्नी हि पारीणह्यस्येशे—'Mistress of household gear'.

[3] Kauṭilya begins his treatment of Vyavahāra law with woman's separate property, *viz. S'ulka*, *vṛitti* and *āvadhya* which constitute *Strīdhana* (p. 152). *Sulka* is paid to the bride if both parents are dead (अद्वितीयं शुल्कं स्त्री हरेत, p. 152).

accountant.[1] Many Indian women received education at least sufficient to enable them to correspond and to keep accounts. Princesses, ladies of aristocratic and official families and hetairae were usually cultured women. The mother was ennobled.[2] She is the child's first teacher, and shares the traditional honour paid to the Indian preceptor (*guru*). A mother cannot be cast away by her children, even if she turns heretic.[3] Her right to be maintained exists through life, and is forfeited only when she forfeits her life itself for treason against the State.[4] The validity of a religious gift is made to rest on the wife's consent.[5] Wives can neither be given away nor sold.[6] The right to a legal action against the husband when his correction exceeds the limits of reasonable rebuke, is granted to the wife by Kauṭilya.[7] A unity of

[1] सांवत्सरिकमायं संख्याय तदनुरूपं व्ययं कुर्यात् । अतिव्ययमसद्व्ययं वा कुर्वाणं रहसि बोधयेत् । (कामसूत्र, p. 135) ; भुक्त्वा नयेदहश्शेषं सदाऽऽयव्ययचिन्तया (शुक्र., ४, ४, १५).

[2] सहस्रं तु पितॄन्माता गौरवेणातिरिच्यते (मनु, २, १४५).

[3] A mother, even if an outcaste, must be maintained by a son (Kauṭilya, p. 48).

[4] राजद्विष्टातिचाराभ्यामात्मापक्रमणेन च ।
स्त्रीधनानीतशुल्कानामस्वाम्यं जायते स्त्रियः ॥ (अर्थ. शा., p, 157).

[5] This follows from the general rule of their joint performance of religious rites. cf. *Āpastamba* (*D. S.*) II, 13, 16-17—जायापत्योर्न विभागो विद्यते । पाणिग्रहणाद्धि सहत्वं कर्मसु ॥ ; and of their identity *e.g.* Manu, IX, 45—

एतावानेव पुरुषो यज्जायाऽऽत्मा प्रजेति ह ।
विप्राः प्राहुस्तथा चैतद्यो भर्ता सा स्मृताङ्गना ॥

[6] स्वं कुटुम्बाविरोधेन देयं दारसुतादृते । (याज्ञ. २, १७५) । न निष्क्रयविसर्गाभ्यां भर्तुर्भार्या विमुच्यते । (मनु, ९, ४६).

[7] अर्थ. शा. p. 155 : *Vide infra* p. 46. This may be by the King acting *suo moto* (*Mitakṣarā*, II, 294).

interest between husband and wife is presumed in law. Conjugal fidelity is mutual.[1] Unmarried sisters receive from Kauṭilya an absolute estate, on failure of male heirs.[2] The widow is preferred to the daughter by Yājñavalkya and Bṛhaspati in this respect, while she is excluded by Kauṭilya from the line of inheritance, possibly because the right to remarry is granted by him to widows.[3]

The Varṇās'rama System

The Indian Cameralist upheld a society in which caste privileges and immunities and caste differentiation, were *normal* aims or features. They have no real counterpart of the same degree and extent in the society of the European Cameralist. The consideration of the difference is therefore necessitated for a correct understanding of the vital difference in the conclusions of the two types of sociologists.

Varṇās'ramadharma has come in for criticism in respect of two of its aspects, *viz.*, firstly for the provision of graded privileges and immunities on the basis of birth for the members of different castes from the Brāhmaṇa downwards and secondly for the absence of the freedom to change one's occupation voluntarily. The two are connected and may be considered together. Their sanction rests not only on canonical but on lay approval.

[1] अन्योन्यस्याव्यभिचारो भवेदामरणान्तिकः । (मनु, ९, १०१).

[2] अपुत्रस्य कन्याश्च रिक्तम् (अर्थ. शा., p. 160). पुत्रवतः पुत्रा दुहितरो वा धर्मिष्ठेषु विवाहेषु । *Ibid.*, p. 160).

[3] पत्नी दुहितरश्चैव . . . एषामभावे पूर्वस्य धनभागुत्तरोत्तरः । स्वर्यातस्य ह्यपुत्रस्य सर्ववर्णेष्वयं विधिः ॥ (याज्ञ., २, १३५–१३६.) भर्तुधनहरी पत्नी तां विना दुहिता स्मृता ॥ (बृहस्पति, व्य. २६, १२६).

THE BRĀHMAṆA

To begin with the Brāhmaṇa. His land is exempt from taxation.[1] He is carried free over ferries and is exempt from tolls.[2] His property does not escheat to the King.[3] He alone can officiate in sacrifices, receive pious gifts and give religious instruction.[4] The rate of interest which he can be compelled by a Court to pay on a loan is the lowest.[5] He is ordinarily immune from corporal and capital punishment.[6] He is

[1] म्रियमाणोऽप्याददीत न राजा श्रोत्रियात्करम् (मनु, ९, १३३) ; राजा तु अनुशासत् षष्ठं धनस्य हरेत्। अन्यत्र ब्राह्मणात् (वसिष्ठ., १, ४२-४३) ; ब्राह्मणेभ्यः करादानं न कुर्यात् (विष्णु., ३, १६).

[2] ब्राह्मणप्रव्रजितबालवृद्धव्याधितशासनगर्भिण्यो नावाध्यक्षमुद्राभिः तरेयुः (they will be provided with 'free passes'), अर्थ. शा., p. 127).

गर्भिणी तु द्विमासादिस्तथा प्रव्रजितो मुनिः ।
ब्राह्मणा लिङ्गिनश्चैव न दाप्यास्तारिकं तरे ॥ (मनु., ८, ४०७).

[3] अदायादकं राजा हरेत स्त्रीवृत्तिप्रेतकदर्यवर्जम् । अन्यत्र श्रोत्रियद्रव्यात् (अर्थ शा., p. 161) ; श्रोत्रियस्वं च परिहरेत् (*Ibid.*, p. 240).

[4] अध्यापनमध्ययनं यजनं याजनं तथा । दानं प्रतिग्रहं चैव ब्राह्मणानामकल्पयत् ॥ (मनु., १, ८८) ; प्रतिग्रह, अध्यापन, याजन are omitted from the duties of the other castes (*Ibid.*, १, ८९-९१) ; स्वधर्मो ब्राह्मणस्याध्ययनमध्यापनं यजनं याजनं दानं प्रतिग्रहश्चेति (अर्थ. शा., p. 7).

[5] द्विकं त्रिकं चतुष्कं च पञ्चकं च शतं समम् ।
मासस्य वृद्धिं गृह्णीयात् वर्णानामनुपूर्वशः ॥ (मनु., ८, १४२). It relates to unsecured debts, in which the interest varies with the credit of the borrower.

[6] सर्वापराधेष्वपीडनीयो ब्राह्मणः (अर्थ. शा., p. 220) ; न शारीरो ब्राह्मणदण्डः (गौतम, १२, ४६-४७). Kauṭilya will drown a Brāhmaṇa guilty of treason etc.—राज्यकामुकं अन्तःपुरप्रधर्षकं अटव्यमित्रोत्साहकं दुर्गराष्ट्रदण्डकोपकं वा शिरोहस्तप्रादीपिकं घातयेत । ब्राह्मणं तमपः प्रवेशयेत् (अर्थ. शा., p. 227).

eligible for high offices of the State,[1] and in hard times other professions than those which he can normally follow are also open to him.[2]

Immunities balance disabilities. The Brāhmaṇa's position was indeed one of dignity but it did not carry with it material comfort or opulence. Indian sociologists separated wealth and social distinction.[3] Riches undoubtedly count for influence but except to cynics they did not offer the same stimulus to social service as distinction. Many occupations, which led to material wealth and comfort, were barred to the Brāhmaṇas, even when they were not degrading in character. Ordinarily, he could not handle arms,[4] though when the social order or the State was in danger the obligation to draw the sword in defence is laid on the Brāhmaṇas as on every other man.[5] The ideal of family life held out to him was to avoid a superfluity of goods and in no case to exceed by his

[1] Manu (VIII, 9, 20-21) reserves the post of chief judge to a Brāhmaṇa, and of course a *purohita* must be a Brāhmaṇa (*Ibid.*, VII, 78 and Kauṭilya, p. 15). Manu reserves the chief minister's place for a Brāhmaṇa (VII, 58) but Kauṭilya leaves it open.

[2] In emergency or distress *(āpadi)* each caste can take up the occupations of those below it, in order. For *āpad-dharma*, see Manu, X, 81-94.

[3] See *Ancient Ind. Econ. Thought*, pp. 69-70.

[4] Baudhāyana ascribes to Gautama (not found in his work) the view that a Brāhmaṇa will not be fit for a Kṣatriya's duties (as a solder) owing to natural timidity and he may take on a Vais'ya's duties (D. S., II, 2, 78). Baudhāyana mentions the profession of arms as followed by Brāhmaṇas 'in the North.' Āpastamba (*D. S.*, I, 29, 7) will not allow a Brāhmaṇa even to examine a weapon. The *Mahābhārata* names Brāhmaṇa generals. History knows of many such.

Mahābhārata (S'alyaparva, 65, 42) states that every one, and especially the Brāhamṇa, should take up arms if commanded by the king :

[5] A Brāhmaṇa might take up arms in self-defence, or in defence of others or in social confusion (*varṇasaṁkara*) :

Kauṭilya (p. 343) disapproves of Brāhmaṇa recruits to the army.

If a Brāhmaṇa takes to trade, he is interdicted from trading in specified articles (Yājñavalkya, III, 36-39.) If he takes to money lending, he should not practise usury (Manu, X, 117)

savings the requirements of three years.[1] He must teach pupils without asking for fees.[2] Not only were lucrative economic careers shut out to him, but he could never aspire to be a king, though he might, as often happened, become a king-maker. Under the strict law, he had to live literally from hand to mouth. The fear of his being lowered by the luxury of a city and by a life of public office is behind the advice pointing to loss of sanctity by his continuing to be an official or living in a town for twelve years continuously.[3]

The praise of the Brāhmaṇa is fairly general in our literature, but the unique suggestion in *Manusmṛti* that 'the Brāhmaṇa deserves empire and the command of the army' *may* be read, as Dr. Jayaswal has pointed out, as a special plea for contemporary lapses from the ancient rule.[4] In the long history of India, instances of Brāhmaṇa kingship which did not lead automatically to the lowering of the Brāhmaṇa ruler's caste, are indeed remarkably few in number. A Brāhmaṇa's opinion of a Brāhmaṇa usurpation is illustrated by the vehement reference by Bāṇa (the courtier of the Vaiśya king Harṣavardhana) to the Brāhmaṇa Puṣyamitra, as an '*anārya*,' *i.e.*, one completely outside the civilized pale).[5]

[1] 'कुसूलधान्यको वा स्यात्' (मनु., ४, ७)—'कुसूलः' कोष्टः । कुसूलेन महापरिग्रहणस्यापि यावता सांवत्सरी स्थितिः भवति तावदनुज्ञायते । यतो वक्ष्यति (११, ७) 'यस्य त्रैवार्षिकं भक्तं' इति (मेधातिथिः).

[2] *Manu*, II, 245-6; III, 156.

[3] पत्तने नगरे वाऽपि यो द्वादशसमा वसेत् । स शूद्रत्वं व्रजेत् विप्रो नात्र कार्या विचारणा ॥ (आश्वमेधिकपर्व, ११७, १०).

[4] सेनापत्यं च राज्यं च दण्डनेतृत्वमेव च ।
सर्वलोकाधिपत्यं च वेदशास्त्रविदर्हति ॥ (मनु, १२, १००).

Dr. Jayaswal regards it as a pointed defence of Puṣyamitra. But was he an expert in Veda and *S'āstra* to justify the identificaton ?

[5] बलदर्शनव्यपदेशेन दर्शिताशेषसैन्यः सेनानीरनार्यो मौर्यं बृहद्रथं पिपेष पुष्यमित्रः स्वामिनम् (हर्षचरित, ed. Führer, p. 269)

The normal life of the Brāhmaṇa spelt service and poverty.[1] The low rate of interest recommended for loans made to a Brāhmaṇa may reflect the high opinion of his personal honour ordinarily entertained, such as led to his unrestricted admission to the guarded place like the king's seraglio.[2] It might also contain a common principle with Calvin's rule that interest should not be extracted from the needy, and that the poor should not be asked to furnish security for loans.[3]

The old Indian law of crimes is accused as having been unduly tender to a Brāhmaṇa but it is doubtful if it was really so. A Brāhmaṇa criminal suffered in two ways *more* than others. It is an article of old Indian belief that punishment purifies,[4] and that every offence requires a civil penalty and a religious expiation.[5] The Brāhmaṇa was denied the right to expiation. It meant, in an age of faith in *Karma* and in the importance of expiation, a heavier penalty than death. For certain offences involving fines alone, the

[1] Manu, IV, 1-15; न स्वाध्यायविरोध्यर्थमीहेत न यतस्ततः । न विरुद्धप्रसङ्गेन संतोषी च भवेत्सदा ॥ याज्ञ., १, १२९.

[2] "Even into the royal harem where the ladies were guarded against intrusion by any male person, the Brāhmaṇa had the right of entry and could converse with them separated by a screen. नान्तःपुराणां रक्षणयोगात् पुरुषसंदर्शनं विद्यते । पुरुषदाननियोगात् नगरब्राह्मणा राजविदितमन्तःपुराणि गच्छन्ति । परान्तरचैषामालापः (कामसूत्र, 286, 294).

With regard to medical preparations Vātsyāyana (p. 371) advises the use of only those that are approved by friends and Brāhmaṇas the underlying idea in such recommendations being that the Brāhmaṇa was believed to be unselfish and honest." (Chakladhar, *Social Life in Ancient India*, p. 100).

[3] See Palgrave's *Dictionary of Political Economy*, 1, p. 205.

[4] राजभिः कृतदण्डास्तु कृत्वा पापानि मानवाः । निर्मलाः स्वर्गमायान्ति सन्तः सुकृतिनो यथा ॥ (मनु., ८, ३१८).

[5] Thus in Book XI Manu prescribes penances also for the following crimes: adultery and sex-offences, procuring an abortion (XI, 68), perjury, manslaughter, breach of trust, theft, assault and grievous hurt, etc.

Brāhmaṇa is to be fined *four* times more than a S'ūdra, the social eminence of an offender justifying the presumption of greater culpability.[1] The rare instances of Brāhmaṇa punishment under the immunities (i.e., *Rājataraṅgiṇi*) might testify to the deterrent effect on the Brāhmaṇa of the threat of loss of sanctity and of the right of expiation.[2]

The rise of non-Brāhmanical religions and the Buddhist and Jain challenge to Brāhmaṇa monopoly of education and social eminence weakened the Brāhmaṇa's hold on society and tended to reduce his immunities. We therefore find in Kauṭilya (and in *Arthas'āstra* generally) relaxations of the old rules regarding the treatment of Brāhmaṇas. Self-protection overrides all other considerations. Therefore in self-defence, even a Brāhmaṇa may be slain.[3] The identification of the interests of the individual and the kingdom furnished the justification for the capital punishment of treason, direct or constructive. Brāhmaṇa immunities, which rested only on birth, are qualified by being made conditional on the retention of worth and virtue by the Brāhmaṇa. But even statists could not abolish the old Brāhmaṇa immunity from the land-tax. As any land which went to a Brāhmaṇa became automatically tax-free, Kauṭilya devised rules like the mediaeval laws of *Mortmain* to prohibit the sale or transfer of tax paying lands to those who enjoyed

[1] cf. *Manusmṛti*, VIII, 337-338 and *Gautama*, 21, 12-14.

[2] वर्णाश्रमप्रत्यवेक्षाबद्धकक्ष्यः क्षितीश्वरः। चक्रभान्वभिधं चक्रमेलके द्विजसत्तमम् ॥ कृतात्याचारमालोक्य राजा धर्मवशंवदः। निजग्राह श्वपादेन ललाटतटमङ्कयन् ॥ (६, १०८–१०९).

[3] गुरुं वा बालवृद्धौ वा ब्राह्मणं वा बहुश्रुतम्। आततायिनमायान्तं हन्यादेवाविचारयन् ॥ नाततायिवधे दोषो हन्तुर्भवति कश्चन। प्रकाशं वाऽप्रकाशं वा मन्युस्तं मन्युमृच्छति ॥ (मनु, ८, ३५०–३५१).

personal immunity from taxation.[1] When transfers of such lands are to be made, they require, as many inscriptions testify, the prior concurrence of the King,[2]

Caste and Office

The recommendation of the higher castes for preference to office rests on two grounds. A high educational qualification is prescribed for every public office, and high caste and education usually went together. Secondly, there was a general belief in the connection between high birth and noble conduct. In later times, when the weakness of these principles was recognized, *S'ukranīti* repeated indeed the ancient precepts of preference but added significantly that offices should go by fitness and dinners and marriages alone by caste.[3]

Position of Other Castes: the Kṣatriya

The position of the other *varṇas* in the old social theory may next be considered. The Kṣatriya had the right and duty to bear arms for the protection of society.[4] His name was

[1] करदा: करदेष्वाधानं विक्रयं वा कुर्युः । ब्रह्मदेयिका ब्रह्मदेयिकेषु । अन्यथा पूर्वः साहसदण्डः (अर्थ. शा., p. 171).

[2] विक्रयप्रतिक्रोष्टा शुल्कं दद्यात् (अर्थ. शा., p. 168).
Madras Epigraphist's *Annual Report for 1920-21*, pp. 108.

[3] कर्मणा सहवासेन गुणैश्शीलकुलादिभिः ।
भृत्यं परीक्षयेन्नित्यं विश्वास्यं विश्वसेत्तदा ॥
न जात्या न कुलेनैव श्रेष्ठत्वं प्रतिपद्यते ॥
विवाहे भोजने नित्यं कुलजातिविवेचनम् । (२, ५४–५७)

[4] शस्त्रास्त्रभृत्त्वं क्षत्रस्य वणिक्पशुकृषिर्विशः । आजीवनार्थं धर्मस्तु ॥ (मनु, १०, ७९); शस्त्रेण च प्रजापालनं स्वधर्मस्तेन जीवेत (वसिष्ठः, २, १७); क्षत्रियस्य प्रजापालनं कर्मवृत्त्यर्थम्, (मिताक्षरा, १, ११९).

held to indicate his protective power.[1] Somadeva refers to the turbulent disposition of the Kṣatriya, but it perhaps reflects only a civilian's prejudice against a soldier by birth.[2] The characterization of the Kṣatriya in the *Mahābhārata* as an ingrate reflects an extreme view.[3] In earlier epochs only a Kṣatriya could be a king. The Buddha and Mahāvīra challenged, by precept and example, the Brāhmaṇa monopoly of teaching. But the esteem in which the Brāhmaṇa was held in society is shown in the collocation of 'monk and Brāhmaṇa' in Buddhist works, when charity and consideration were indicated to worth.[4] In the Buddhist theory of cycles of the universe, the evolution of the Brāhmaṇa and other castes was put *after* the future Buddha had been born in the Kṣatriya caste.[5] Unlike the Brāhmaṇa, who could claim no fee for his work as a teacher, the Kṣatriya had to be paid to be a soldier. It was his *vṛtti*, occupation, livelihood. He had the right and duty to be recruited to the army; in fact he was *born* to be a soldier.

On the wisdom of recruiting the Kṣatriya in the civil services there is a cleavage in opinion. S'ukra and Bṛhaspati favour the Kṣatriya. A Kṣatriya, like any one else in a society

[1] क्षतात्किल त्रायत इत्युदग्र: क्षत्रस्य शब्दो भुवनेषु रूढ: । (रघुवंश, २, ५३).

[2] बलात्कारस्वभावः क्षत्रियाणाम् (नीतिवाक्यामृत, ७, ३२) ; क्षत्रियः नाऽधिकारी-कर्तव्य: । क्षत्रियोऽभियुक्त: खड्गं दर्शयति (*Ibid.*, p. 70).

[3] क्षत्रिये सङ्गतं नास्ति न प्रीतिः न च सौहृदम् ॥
क्षत्रियेषु न विश्वास: कार्य: सर्वापकारिषु ।
अपकृत्यानि सततं सान्त्वयन्ति निरर्थकम् ॥
इयमस्मि करोम्यद्य सदृशीं वैरयातनाम् ।
कृतघ्नस्य नृशंसस्य भृशं विश्वासघातिन: ॥ (शान्तिपर्व, १३९, १६–१८).

[4] Monk and Brāhmaṇa equated and associated: see Warren, *Buddhism*, pp. 105, 192, 229-31, 256-7, 346-7, and 438.

[5] Warren, citing *Vis'uddhimagga*, ch. 13, *op. cit.* p. 327.

which was not national, was free to sell his services to any state, though attachment to the ruling dynasty, through kinship or confraternity, might keep him in the state of his birth.[1]

THE VAIS'YA

The Vais'ya is the backbone of society. He virtually monopolized the wholesale and retail trade of the community, its capital and its industry. His affluence made him a welcome patron of religion and charity. The luxurious life of cities was usually conspicuous then as now in the Vais'ya's household (cf. Vātsayāyana's *Nāgaraka*). In later times, Vais'yas raised themselves to the throne. Technical departments of the State were advised to utilize the Vais'ya's special experience and skill. Judged by modern standards, the Vais'ya was economically better off than men of the other three castes. The dependence of the State on economic prosperity, which is the contribution of the Vais'ya to society, is denoted by calling the King ' the lord of the Vais'yas ' (*Vis'āmpati*).

THE S'ŪDRA

It is a common opinion that in comparison with the other castes the *S'ūdras* received harsh and unfair treatment and formed the " depressed caste " of ancient Indian society. This view rests chiefly on the rules of the old smṛtis recommending harsh and often barbarous punishments, in cases of S'ūdra assault on Brāhmaṇas or S'ūdra attempts to teach the Vedas. The vehemence of such rules may indicate their real origin and motive. What was originally a sacerdotal obsession was

[1] समानैः सेव्यः (बृहस्पति, अर्थशास्त्र, १, ६). यद्वर्णजो भवेद्राजा योज्यस्तद्वर्णजस्सदा (शुक्र., ४, ५, १५).

continued by ill-will towards the Buddhists, who made no distinction between Brāhmaṇa and S'ūdra, in their monastic order. This may explain Kauṭilya's rules, in spite of his general equitable attitude, punishing the S'ūdra, who masqueraded as a Brāhmaṇa or *misappropriated the wealth of the Gods.*[1] He would also punish those who feed S'ūdra ascetics, *i.e.*, the patrons of Buddhist clerics.[2] As contrasted with the attitude towards the heretic S'ūdra, the treatment of the orthodox S'ūdra is considerate. The smṛtis hold that the S'ūdra can do no wrong, can incur no sin, need perform no obligatory religious ceremony,[3] may take up any economic avocation, and may expiate for sins by penance. The S'ūdra was an Aryan like the men of the three other castes and Kauṭilya ruled that 'no Aryan may be made a slave'.[4] The value attached to the S'ūdra as an industrious cultivator is shown by Kauṭilya's preference for the S'ūdra as a very desirable colonist of new lands[5] and for agriculture, handicraft and the drama.[6] The S'ūdra is is entitled to enter the army and can rise to be its general.[7] His personal freedom is as inviolable as that of the Brāhmaṇa. To compel a S'ūdra to eat forbidden food or drink liquor is as

[1] शूद्रस्य ब्राह्मणवादिनो देवद्रव्यं अवस्तृणतो राजद्विष्टामादिशतो द्विनेत्रभेदिनश्च योगाञ्जनेनान्धत्वमष्टशतो वा दण्ड: (अर्थ. शा., p. 225).

[2] जीवकादीन् वृषलप्रव्रजितान् देवपितृकार्येषु भोजयत: शत्यो दण्ड: (अर्थ. शा., p. 199).

[3] न शूद्रे पातकं किंचिन्न च संस्कारमर्हति । नास्याधिकारो धर्मेऽस्ति न धर्मात्प्रतिषेधनम् ॥ (मनु, १०, १२६).

[4] न त्वार्यस्य दासभाव: (अर्थ. शा., p. 181).

[5] शूद्रकर्षकप्रायं कुलशतावरं पञ्चशतकुलपरं ग्रामं क्रोशद्विक्रोशसीमानं अन्योन्यरक्षं निवेशयेत् (*Ibid*, p. 45).

[6] शूद्रस्य द्विजातिशुश्रूषा वार्ता कारुकुशीलवकर्म (*Ibid.*, p. 7).

[7] प्रहरणविद्याविनीतं क्षत्रियबलं श्रेय:, बहुलसारं वा वैश्यशूद्रबलम् । (*Ibid.*, p. 343.)

much a crime as compelling a Brāhmaṇa to do so.[1] Kauṭilya makes his King pray "May S'ūdras and Vais'yas be ever devoted to me."[2] By a close analysis, it has been shown[3] that there were only four things which the old Indian society excluded the S'ūdra from doing, and they were not such as would have reduced the S'ūdra's well-being or happiness, though any exclusion must have caused mental irritation. Initiation in Vedic study and in the hermit's order, religious mendicancy[4] and kingship are the chief things which a S'ūdra cannot have. Three of these were acquired by the S'ūdra, when Buddhism became influential and led to the silent acquiescence of S'ūdra kingship (*e.g.*, the Maurya) in spite of occasional gibes at a S'ūdra king, which may reflect only contemporary spite or chagrin.

SUMMARY

The result of the social regulations envisaged by the Indian Cameralist, may be summed up. There was a functional division of labour which went hand in hand with the protection of industry and trade (as the economic foundations of society) from the distraction of administrative and military service and from the pursuit of religious duties. The bulk of the population, which consisted of the third and fourth castes, was set apart for economic pursuits; and it enjoyed considerable freedom. The Varṇās'rama scheme was social planning on a colossal scale and for all time. Like all schemes that

[1] ब्राह्मणमपेयमभक्ष्यं संप्रासयतः उत्तमो दण्डः। शूद्रं चतुष्पञ्चाशत्पणो दण्डः। (*Ibid.*, p. 231).

[2] वशं वैश्यश्च शूद्रश्च वशतां यान्तु मे सदा। (*Ibid.*, p. 419.)

[3] B. K. Sarkar, *Hindu Sociology, 1921*, pp. 90-95.

[4] ब्राह्मणेन विनान्येषां भिक्षावृत्तिर्विगर्हिता। (शुक्र., ४, ३, २०).

favour regulation it was devised or advocated or used for the prevention of the waste resulting from unrestricted competition. Society is a contract. Other contracts may be dissolved, but that from which society springs, is permanent. A political society has to be treated with reverence, because (to apply memorable words, which equally express the old as well as the modern social aim)—"It is not a partnership in things subservient only to the gross animal existence of a temporary and perishable nature. It is a partnership of all science; a partnership in all art; a partnership in every virtue; and in all perfection. As the ends of such a partnership cannot be obtained in many generations, it becomes a partnership not only between those who are living, but between those who are living, those who are dead and those who are to be born."[1] It is a far cry from Cameralism, ancient or modern, to Edmund Burke. But, the Irish statesman has expressed the aim of the Indian sociologist. Today, when there is insistent advocacy, in the name of society, for the substitution of regulation for freedom in every direction, and for the division of functions and duties between sections of society, so as to create an equality of sacrifice in place of an equality of privilege, there is a temptation for one to see in the opinions of the hour a throw-back to the ideals of the ancient *Indian* Cameralists.

[1] *Reflections on the Revolution in France*, ed. E. J. Payne, 1886, pp. 113-114.

IV

CAMERAL POLITY AND LAW

In modern times, the *economics* of German Cameralism and the *political* aspects of ancient Indian works on *Dharma* and *Artha* have been unduly stressed. The help which *Arthaśāstra* has given to the lighting up of our past history, and the value of political precedents for modern controversies, account for the many studies, descriptive and critical, of ancient Indian Polity, which we have already had. Their ground need not be covered again in these lectures, except so far as is necessary to give a correct conception of the Cameral influence on Indian polity and jurisprudence.

Political Theory of German Cameralism

German Cameralism sprang from the movement for economic and political reconstruction, started in Germany after the great wars of the 16th and 17th centuries. The appalling ruin, wrought by the wars on some of the most fertile and populous areas of Christendom, lent colour to the view, which has since been worked up as a thesis by Romanist historians like Jansen, that, economically and culturally, the Reformation was reactionary, and that it set back the progress of Germany more than even the Thirty Years' War. It was

the task of the Cameralist to help to piece together the shattered elements of the German economic and political system, and create stable governments and prosperous communities. His remedies for the evils of the time were two. First, he recommended the substitution of centralized, territorial monarchies for the complex political system, made up of a mixture of feudal, civic, ecclesiastical and imperial elements, all competing with one another for political mastery. Secondly, he devised a methodical administration and jurisprudence; social helpfulness and mutual interdependence were recommended as if they were the laws of God. The concepts of 'State' and 'civil society' were derived from a hypothetical union of men, under a common ruler, surrendering to him both property and powers, in order to get mutual security and comfort. The maximum of necessary personal freedom was conceived as possible only if public affairs were left entirely to the ruler. The many wills must be merged in the single Will.[1] Grotius had contended that freedom did not carry with it the right to its own permanent surrender. Justi upheld the opposite view, and declared that the people having once for all surrendered their 'fundamental power' to the Supreme Power were incompetent to question its actions. With States as with individuals, the sole ground of activity was conceived to be self-interest. Its own happiness must be the highest law to a State. Political Society is a moral union. Though the sole judge of its own action, the State strives to promote the common good. From such views of State absolutism, the German Cameralist passed to collectivist views. A State is a huge family. It is primarily a unit, and only secondarily an aggregate.

[1] "Freedom consists in the unhindered exercise of the citizen's will. But the citizens who constitute a State have merged their separate wills in a single will." Justi in *Small*, p. 421.

From such assumptions, a static view of politics was deduced, as well as the details of an elaborate system of administration and law, through which the State was to fulfil its high purposes. The conclusions were stated in the form of worldly maxims, and related to every side of administration. Adam Smith's conception of Jurisprudence (*i.e.*, Politics) as comprising the four divisions of "Justice, Police, Arms and Revenue" is substantially a Cameral classification. Fundamental questions, like the relation between the constitution and the administration, and between the executive, legislature, and the judiciary, and the comparative merits of different forms of government, are neglected. To the practical Cameralist, the administration *is* the constitution. It is more useful to consider the rival merits of alternative instruments or devices of administration than to discuss the relative value of republican and monarchical, or federal and unitary constitutions. "All forms of government" maintains Justi, "are equally good, so long as they fulfil their purposes." "Despotism is not a special form of government, but is merely its abuse." [1]

> "For forms of government let fools contest [2]
> Whate'er is best adminstered, is best."

Cameral Aims of the State

The protection of religion and of property rights, the safeguarding of individual freedom by equal and just laws, drawn up in plain and intelligible language, and the framing of a judicial procedure, which will be expeditious and inexpensive, the development of agriculture, commerce, and mining, the increase of population, the devising of suitable methods of

[1] *Small*, p. 412.

[2] Pope, *Epistles*, iii, ll. 303-304.

recruiting the army and the public service, so as to secure the utmost efficiency and cheapness, the prevention of private monopoly and privilege, ensuring the security of the State against internal disruption and external attack by wise police and sanitary measures, fortifications and a standing army, as well as by a foreign policy aiming at the maintenance of a balance of power, and the extension of the sphere of State activity in all the directions (spiritual, ethical, and economic) necessary to ensure the stability of the State—are the matters with which the Politics of Western Cameralism is most concerned.

COMPARISON WITH ARTHAS'ĀSTRA

Students of *Arthas'āstra* will perceive a similarity between its political tenets and those of Western Cameralism, and the operation of similar causes leading to similar results. The political teachings of Indian social literature have the merits of greater logic and consistency than those of German Cameralism. The latter after enunciating a social compact and assuming a spiritual background for the State, failed to deduce the logical conclusions from the assumptions. In spite of the accessibility to the German Cameralists of Roman and Canon Law as well as Teutonic law, they failed to use the rich political and jural teachings and experience of their past, in the enunciation of proper schemes of Jurisprudence, as *Arthas'āstra* writers like Kauṭiliya were able to do. In intellect and experience, even the best Western Cameralists are much below Kauṭilya and S'ukra.

GENESIS OF ARTHAS'ĀSTRA

The classics of *Artha* and *Dharma* literature are now generally held to be the products of epochs, which

witnessed great movements against alien invasion or domination. Some of our enthusiasts see in Kauṭilya and Candragupta the patriots, who stemmed the tide of foreign invasion, and overthrew a domestic tyranny. An unbiassed study of Mauryan polity must result in the conviction that the *Kauṭilīya* reflects, if it did not mould, the administration of the greatest of the early Indian Empires, under which the greater part of India was united and protected for many generations. It is difficult and risky to give precise dates to composite works like the metrical smṛtis. They enshrine ancient material frequently added to and adapted to the needs of new times. The intuition of some of our scholars recognized long ago, in the periods of Hindu revival and activity of the days of the Gupta Empire, a wholesale synthesis of the cultural material of the epics, Purāṇas, and works on Jurisprudence, and conceived the epoch as a Indian Renaissance. To the genius of an eminent living scholar we owe the illumination which has lit up the dark centuries between the great empires before and after the Christian era, which divides us by a wide gulf of time the Hindu revival of the S'uṅga age from that of the Gupta epoch.[1] The fascinating story of the manner in which the iron of foreign oppression entered the soul of India during the Indo-Scythian domination, and the national revolt against alien was organized and spiritualized by the Bhāras'ivas and Vākāṭakas, may be gathered from the fascinating narrative of Mr. Jayaswal. To this period belong the *extant* recensions of the sociological treatises of Manu, Bṛhaspati and Yājñavalkya and the Smṛtis of Vasiṣtha and Viṣṇu.[2] The establishment of powerful kingdoms, with other causes, dried

[1] Dr. K. P. Jayaswal. (He passed away in August 1937.)

[2] The chronology of the smṛti literature has since been reconsidered by the author in his Introduction to *Bṛhaspati Smṛti*, 1941, Baroda.

up the springs of originality and variety in political life and political speculation after this epoch. This is evident from a comparison of the *Kauṭilīya* with later works on *Dharma* and *Arthas'āstra*. Kauṭilya's classic reveals the fecundity of the political thought in the epochs anterior to his times. In the later social literature, there is well-marked similarity between *Artha* and *Dharma* tenets, which may reflect less deliberate borrowing than a merger of aims and doctrines; first under a common stress, and afterwards under the pressure of an absolute government.

The 'Artha' Ideal

Indian social thought, like German Cameralism, expressed itself in terms of a static ideal in policy. There is indeed a glimmer of the ideas of progress and of the adaptation of institutions to the times, in the smṛti text which prescribes a different smṛti as the standard authority to each Age (*yuga*); but, the text has been viewed as a special plea for the pre-eminence of a comparatively late smṛti *viz.* that of Parās'ara.[1] The conception of progress seems to be wanting in our jural and political systems. The *Kauṭilīya* aims at being a manual for all time and for all States, big or small. Its cryptic language, and its very comprehensive *motif* may account for such contradictory assertions of our day as that it envisages an empire or only a petty State, and that it betrays the vision of a great imperialist or

[1] न कश्चिद्वेदकर्ता च वेदं स्मृत्वा चतुर्मुखः । तथैव धर्मान् स्मरति मनुः कल्पान्तरेतरे ॥ अन्ये कृतयुगे धर्मास्त्रेतायां द्वापरे युगे । अन्ये कलियुगे नृणां युगरूपानुसारतः ॥ कृते तु मानवा धर्मास्त्रेतायां गौतमास्स्मृताः । द्वापरे शङ्खलिखिताः कलौ पाराशराः स्मृताः ॥ (पराशर., १, २१-२५.)

only the narrow outlook of the peddling minister of a petty kingdom.

This limitation of outlook is responsible for the suggestion of devices, some of which are the special contributions of of Indian thinkers to political thought. The king who aspires to universal dominion (*Vijigīṣu*) should resort to war sparingly, and build up a confederated empire by the use of an elaborate and complex diplomacy.[1] The success of this plan would naturally depend on the attraction, which this idea could have both to the potential conqueror and to the probable feudatory.

The true explanation for Indian empires not seeking territorial extension outside the geographical limits of India, is to be found in this idea. Hypotheses of the constitutional pacificism of the Indian, of the antimilitarist influence of the Buddhist and the Jain, and of an ideal of political chivalry, which is reflected in the humane laws of war and interstatal intercourse can explain such an attitude, but less than the absence, outside the limits of India, of peoples and powers to whom the Hindu ideas of bloodless conquest (*dharmavijaya*) and suzerainty (*Sāmrājya*) held an appeal.[2]

• Origin of the State—Indian Theories

In classical Indian polity, the typical form of stable government is monarchy, with its fixed rules of succession, primogeniture,[3] and impartiblity. The State derives a

[1] *Śāntiparva*, 58, 25 ; the whole of Book VII of the *Arthaśāstra*.

[2] *Śāntiparva*, 94, 1 ; 103, 7 ; cf. V. R. R. Dikshitar, *Mauryan Polity*, 1931, pp, 128-130 and 154-157.

[3] ऐश्वर्यं ज्येष्ठभागी तु (अर्थ. शा., p. 35)

spiritual sanction from divine creation,[1] and a jural sanction by springing out of an original contract.[2] A low view of human nature, may lurk in the idea that good conduct is to be secured only by compulsion and punishment (*Daṇḍa*).[3] But such a view persists through the ages. Making the king's sceptre the visible emblem of the 'rod of chastisement' (*Daṇḍa*) is one way of expressing the origin of the State in force. It is urged that when Daṇḍa disappears men revert to primeval anarchy.[4] In the remote past, the original compact which created political society to protect person and property, was renewed a second time after the tyrant Vena was killed, and a new ruler, Pṛthu was magically created by the sages and installed as 'the King

[1] अराजके हि लोकेऽस्मिन् सर्वतो विद्रुते भयात्। रक्षार्थमस्य सर्वस्य राजानमसृजत्प्रभुः ॥ (मनु, ७, ३ ; शान्तिपर्व, १४, १८.)

[2] मात्स्यन्यायाभिभूताः प्रजा मनुं वैवस्वतं राजानं चक्रिरे। धान्यषड्भागं पण्यदशभागं हिरण्यं चास्य भागधेयं प्रकल्पयामासुः। तेन भृता राजानः प्रजानां योगक्षेमवहाः तेषां किल्बिषमदण्डकरा हरन्ति। योगक्षेमवहाश्च प्रजानाम्। तस्मादुञ्छषड्भागं आरण्यका अपि निवपन्ति—'तस्यैतद्भागधेयं योऽस्मान्गोपायति' इति। इन्द्रयमस्थानमेतत् राजानः प्रत्यक्षहेडप्रसादाः। तानवमन्यमानान् दैवोऽपि दण्डः स्पृशति ॥ (अर्थ. शा., pp. 22-23.)

[3] तस्यार्थे सर्वभूतानां गोप्तारं धर्ममात्मजम्।
ब्रह्मतेजोमयं दण्डमसृजत्पूर्वमीश्वरः ॥
तस्य सर्वाणि भूतानि स्थावराणि चराणि च।
भयाद्भोगाय कल्पन्ते धर्मान्न विचलन्ति च ॥
दण्डो हि सुमहातेजा दुर्धरश्चाकृतात्मभिः।
धर्माद्विचलितं हन्ति नृपमेव सबान्धवम् ॥

(शान्तिपर्व, १४, ३२, ३३, ४६); ममत्वं न प्रजानीयुः यदि दण्डो न पालयेत् (*Ibid.*, १५, ३८.)

[4] बलीयानबलं हि ग्रसते दण्डधराभावे। तेन गुप्तः प्रभवति (अर्थ. शा., p. 9.)

of men[1]. Constitutional limits to the king's prerogative are traced to the oath (*Pratijñā*) which Pṛthu then took, to subordinate his inclination to his duty, and to observe the eternal laws of morality.[2] If this legend had a historical core, there would be the temptation to see in it a parallel to the charters of liberties, which mediaeval English kings were accustomed to confer or renew after every interlude of misgovernment.

The history of the theory of the divine origin of the Indian kingship is not immediately relevant to a consideration of the argument of the Indian Cameralist. In common with all Indians of his age, he simply assumed it without question. Indian monarchy may have been born in the pressure of war (as suggested in the *Aitareya-Brāhmaṇa*)[3] or devised to end internecine strife (as according to *Dighanikāya*),[4] or resulted from an election sanctified by blessing of the gods (as implied by *S'atapatha-Brāhmaṇa*)[5] or by the perpetuation of an original deification during sacrifices and the conversion of the *Rex Sacrorum* into a permanent absolute ruler.[6] To the practical-minded political thinker the need for the king arose from the necessity of a sole executive head for the State.[7] This is why

[1] शान्तिपर्व, २८, १३७; ५८८, १०२—११९.

[2] पालयिष्याम्यहं भौमं ब्रह्म इत्येव चासकृत् ॥
यश्चात्र धर्म इत्युक्तो दण्डनीतिव्यपाश्रयः ।
तमशङ्कः करिष्यामि स्ववशो न कदाचन ॥
(*Ibid*., ११५—११६); See *Ancient Ind. Econ. Thought*, pp. 46-49.

[3] देवासुरा वा एषु लोकेषु समयतन्त . . तांस्ततोऽसुराऽजयन् . . . देवाऽब्रुवन्नजातया जयन्ति, राजानं करवामहै इति तथेति (ऐ. ब्रा., १, १४.)

[4] Aggaṇṇa—Suttānta, *Digha Nikāya*, III, 27, Summarized by U. Ghoshal, *Hindu Political Theories*, 1923, pp. 118-119,

[5] शतपथ., ५, १, १, १२ and ५, ३, १—Jayaswal, *Hindu Polity*, II, pp. 15-18.

[6] Ghoshal, pp. 51-52.

[7] *Ṣukranīti*, I, 64 ff.

later writers on *Arthas'āstra*, like Kāmandaka and S'ukra, distinguish between the person and the office of the king, and have no word to say against killing a king, even though they will not have the monarchy extinguished.[1]

HORROR OF ANARCHY

To the Indian thinker, anarchy is horror, and even a temporary vacancy of the throne must lead to anarchy.[2] Powerful social compulsion must be applied to end a kingless condition (*arājatā*). Society must be paralysed during an interregnum to force it to end the condition. The avocations of the priest, the teacher and the trader must all be brought to a standstill, so as to create the interest necessary for provoking concerted social action to end the state of kinglessness. This is the ground of the very ancient rules that Vedic studies are interrupted by the death of the king,[3] and that a general moratorium on debt runs during interregnums.[4]

GLORIFICATION OF THE KING'S POSITION

Unity of political control is exalted by picturesque accounts of the uniqueness of the king's person and office.

[1] *Ibid.*, I, 26-28.

[2] अराजके जीवलोके दुर्बला बलवत्तरैः ।
वध्यन्ते न हि वित्तेषु प्रभुत्वं कस्यचित्तदा ॥
(शान्तिपर्व, ४८, ७१); रामायण, (अयोध्याकाण्ड, ६७, ९—३८).

[3] विषयस्थे हि राजनि प्रेते (गौतम, १६, ३२);

[4] राजा तु मृतभावेन द्रव्यवृद्धिं विनाशयेत्। पुना राजाभिषेकेन द्रव्यमूलं च वर्धते ॥ (वसिष्ठ, २, ४९); ज्ञातयः श्रोत्रियाः पाषण्डा वा राज्ञामसन्निधौ परवास्तुषु विवसन्तः भोगेषु हरेयुः । उपनिधिमाधिं निधिं निक्षेपं स्त्रियं सीमानं राजश्रोत्रियद्रव्याणि ॥ (अर्थ. शा., p. 191.)

The king is an incarnation of the Deity, " Who is not Viṣṇu cannot be king."[1] He is " compounded of the essence of the eight Guardians of the Universe " (*lokapālāḥ*) and shares *all* their divine attributes.[2] Banishment results from disobeying the king.[3] Assaulting the king, reviling him and intriguing against him are capital offences.[4] Betraying his secrets entails banishment. His sanctity extends to those closely connected with him. It is high treason to seduce a queen.[5] To assault a minister is a crime.[6] No length of adverse possession will give a valid title to to the private occupant of the king's property.[7] Ownerless things find in the king an original and ultimate owner.[8] All persons and all property are pledged to pay taxes for the king's maintenance.[9] Exemptions from taxes and from escheat are marks of the highest privilege of a subject. The king's actions cannot be questioned in his Courts. He cannot be cited as a witness.[10] He is the fountain of honour and the source of all authority. He can punish, and he can grant favours.[11] If the people are trees, the king is the

[1] नाऽविष्णुः पृथिवीपतिः ; भूपतिः पिनाकपाणिः (नीतिवाक्यामृत, p. 114).

[2] मनु, ६, ४-७ ; ९, ३०३-३१० ; शुक्र, १, ७१-४८२.

[3] See comprehensive list of persons to be banished given by S'ukra (IV, (i), 100-108).

[4] *Kauṭilya*, p. 225 ; Yājñavalkya, II, 302.

[5] अन्तःपुरप्रधर्षकं ब्राह्मणं तमपः प्रवेशयेत् (अर्थ. शा., p. 227) ; सर्वत्र राजभार्यागमने कुम्भीपातः (p. 234.)

[6] महाजनस्यैकं घ्नतो प्रत्येकं द्विगुणं दण्डः (*Ibid.*, p. 196.)

[7] राजस्वं श्रेत्रियस्वं च न भोगेन प्रणश्यति (शुक्रः, IV, 5. 223.)

[8] प्रणष्टस्वामिकं रिक्थं राजा त्र्यब्दं निधापयेत् (मनु, ८, ३०) ; शौल्किकैः स्थानपालैर्वा नष्टापहृतमाहृतम् । अर्वाक्संवत्सरात्स्वामी हरेत परतो नृपः ॥ (याज्ञ., २, १७३.)

[9] See references in *Anct. Ind. Econ. Thought*, p. 135.

[10] Manu, VIII, 65.

[11] *Ibid.*, VII, 9 and 11.

root.[1] A child king, and even a king's picture, should not be slighted.[2] To Kāmandaka the king is the fountain of prosperity and the source of joy.[3] He is all the gods in one—Indra, Brahma, S'iva and Viṣṇu.[4] Implicit obedience to the king is enjoined. Even a worthless king must be honoured and obeyed, as a chaste wife must honour even an unworthy husband.[5]

The corollary to this exaltation of the king is the emphasis laid upon his personal responsibility for everything done in the kingdom. The force of his example and the far reaching character of his virtues and weaknesses are emphasized. Subjects imitate their rulers.[6] By his actions and by his example, a king can convert his times into a Golden Age or an Iron Age. (*Kṛtayuga*, *Kaliyuga*).[7] The personal weaknesses of the king are national calamities. Their enumeration, classification and discussion, singly and in the aggregate, constitute the 'eighteen sorrows' (*vyasana*) of the kingdom.[8]

[1] स्वामिमूला सर्वा: प्रकृतय: । अमूलेषु तरुषु किं कुर्यात्पुरुषप्रयत्न: (नीतिवा., १७, ३-५.)

[2] बालोपि नावमन्तव्यो मनुष्य इति भूमिप: (मनु, ७, ८); चित्रगतमपि राजानं नावमन्येत (नीतिवा. ३२, ६६.)

[3] नयनानन्दजनक: (१, ९.)

[4] शुक्र., I, ll. 142-143.

[5] निर्बलोऽपि यथा स्त्रीणां पूज्य एव पति: सदा । प्रजानां विगुणोऽप्येवं पूज्य एव प्रजापति: । (नारद, p. 218, V, 22.)

[6] यद्यदाचरते राजा तत्प्रजानां स्म रोचते । (शान्तिपर्व, ७५, ४); 'यथा राजा तथा प्रजा:' ।

[7] शुक्र., ४, १, ५८-६१; मनु, ९, ३०१. राजा वा कालकारणम् (शान्ति., ६९, ६) युगप्रवर्तको राजा धर्माधर्मप्रशिक्षणात् (शुक्र, ४, १, १०.)

[8] Somadeva deals with eighteen in ch. XVI; मनु, ७, ४५-५२; दशकामसमुत्थानि तथाष्टौ क्रोधजानि च । व्यसनानि दुरन्तानि प्रयत्नेन विवर्जयेत् ॥ कामजेषु प्रसक्तो

The careful education of a prince is a social necessity. The grown-up prince should come to the throne only as an educated, high-minded, self-controlled man of the loftiest character and ideals.[1] The studies prescribed for princes, the persons who are to instruct them, the form which their education is to take, are all laid down with solicitude and precision in both Western and Indian Cameral works. They reflect the desire that the glorified king should also be the typical product of the best education of his age.

The king is the pivot of Cameral political theory. It has been suggested that, by taking this line, Indian thought took an unphilosophical turn and that the absolutism which was the consequence, is an evil legacy of the Brāhmaṇa books.[2] This criticism misses the essential relation of *Artha* and *Dharma* literature, as well as their sequence, and overlooks the causes and real significance of the glorification of kingship and the limitations implicit in the exaltation.[3]

CHECKS ON ABSOLUTISM

Indian political theory provides no *constitutional* check to royal absolutism. When absolute power is vested in the king by a fundamental law, the only ways of preventing its abuse are to create a conscience for the king and bring him

हि व्यसनेषु महीपतिः। वियुज्यतेऽर्थधर्माभ्यां क्रोधजेष्वात्मनैव तु ॥ मृगयाऽक्षो दिवा-स्वप्नः परिवादः स्त्रियो मदः। तौर्यत्रिकं वृथाट्या च कामजो दशको गणः ॥ पैशुन्यं साहसं द्रोहं ईर्ष्यासूयार्थदूषणम्। वाग्दण्डजं च पारुष्यं क्रोधजोऽपि गणोऽष्टकः ॥ (मनु, ७, ४५-४७)। 'तौर्यत्रिकं' नृत्यगीतवादित्राणि। १, ४८-६५; Kauṭilya classes *Vyasanas*, as seven, three from anger and four from desire (pp. 325-28).

[1] Kāmandaka, I, 48-65; *Kauṭīlya*, I, 5-6; Somadeva, XI, 4.

[2] A. K. Sen, *Hindu Political Thought*, 1926, p. 30.

[3] Rhetorical exaggeration is a familiar method of emphasis in Sanskrit works. It should not be construed literally.

to his senses by an occasional revolt.[1] Here lies the significance of the many appeals to the king in our literature to rule justly, for piety as for self-interest, for religion as for expediency. The Social Compact, which is the king's original title-deed is used against him. A contract is bilateral and its terms are binding on both parties to it. Reading it with the purpose of the compact and the stories of Vena's assassination and Pṛthu's solemn engagement, the conclusion is reached that the king is only a public functionary, a servant of the people. The taxes are his 'wages' (*vetanam*).[2] The enunciation of such doctrines with safety is possible only in interludes of either very good or very weak governments: immunity will arise from the ruler's highmindedness or his incapacity. It is worthy of notice that this doctrine is common to the Hindu, the Buddhist and the Jain. It is repeated by S'ukra and Somadeva. Methods of restraint of the king are suggested. The *Mahābhārata* would remind the king that he is judged by his posthumous fame,[3] that like mountains he impresses only from *a distance*,[4] *and that he stands or falls*

[1] प्रायशः कोपवशाः राजानः प्रकृतिकोपैर्हताः श्रूयन्ते (अर्थ. शा., p. 325); सर्वकोपेभ्यो प्रकृतिकोपो गरीयान् (नीतिवाक्य., p. 43.)

[2] स्वभागभृत्या दास्यत्वे प्रजानां च नृपः कृतः । ब्रह्मणा स्वामिरूपस्तु पालनार्थं हि सर्वदा ॥ (शुक्र, १, १८८). The Buddhist sage Āryadeva in *Catus's'atiṭīkā* rebukes a self-important ruler thus: "What superciliousness is there O King, you are a mere servant of the multitude (*gaṇadāsa*), and receive a sixth part of the produce as your wages" (Ghoshal, p. 209). cf., शान्तिपर्व, ७१, १०—बलिषष्ठेन शुल्केन दण्डेनाथापराधिनाम् । शास्त्रानीतेन लिप्सेथा वेतनेन धनागमम् ॥

[3] यस्य वृत्तं नमस्यन्ति स्वर्गस्थस्यापि मानवाः ।
पौरजानपदामात्याः स राजा राजसत्तमः ॥ (शान्तिपर्व, २५, ३६.)

[4] पर्वता इव राजानः दूरस्थाः सुन्दरालोकाः (नीतिवाक्य., XXXII, 32.)

with his subjects.[1] Unjust punishment recoils on the king's head.[2] The gods shower calamities on a kingdom to express their displeasure of misgovernment.[3] Judicial fines are tainted money, which the king should not apply to his own use. Unjustly collected fines should be thrown into water as an expiatory offering to the god Varuṇa, the Indian Rhadmanthus.[4] This rule would put up the king's religion or superstition against his cupidity. A king should study history and traditions, because they contain instances of misfortunes which came to bad rulers. He should cultivate popularity, and conciliate the leaders of the people. The anger of the subjects can scorch a king. Infatuated kings, said Kauṭilya,

[1] यं हि धर्मं चरन्तीह प्रजा राज्ञा सुरक्षिताः ।
चतुर्थं तस्य धर्मस्य राजा भागं च विन्दति ॥
यदधीते यद्ददाति यज्जुहोति यदर्चति ।
राजा चतुर्थभाक् तस्य प्रजा धर्मेण पालयन् ॥
(शान्तिपर्व, ७५, ५-६) ॥ यस्य स्म विषये राज्ञः स्तेनो भवति वै द्विजः । राज्ञ एवापराधं तं मन्यन्ते किल्बिषं नृप ॥ (*Ibid.*, ७७, ४.)

[2] अधर्मदण्डनं स्वर्गकीर्तिलोकविनाशनम् । (याज्ञवल्क्य, १, ३५७) ॥ समीक्ष्य स धृतः सम्यक् सर्वा रञ्जयति प्रजाः। असमीक्ष्य प्रणीतस्तु विनाशयति सर्वशः ॥ (मनु, ७, १९.)
यस्त्वधर्मेण कार्याणि मोहात् कुर्यान्नराधिपः ।
अचिरात्तं दुरात्मानं वशे कुर्वन्ति शत्रवः ॥ (शुक्र, ४, ५, ९.)

[3] अरक्षितारं नृपतिं ब्राह्मणं चातपस्विनम् ।
धनिकं चाप्रदातारं देवा घ्नन्ति त्यजन्त्यधः ॥ (शुक्र, १, १२०.)

[4] नाददीत नृपः साधुर्महापातकिनो धनम् ।
आददानस्तु तल्लोभात्तेन दोषेण लिप्यते ॥
अप्सु प्रवेश्य तं दण्डं वरुणायोपपादयेत् ।
श्रुतवित्तोपपन्ने वा ब्राह्मणे प्रतिपादयेत् ॥
(मनु, ९, २४३-२४४) । प्रजापालनाय राज्ञा दण्डः प्रमीयते न धनार्थम् । (नीतिवा., ९, ३.)

are known to have been destroyed by the anger of their people. In memorable words which anticipate Burke's indignant disclaimer against the possibility of indicting a whole nation, Kauṭilya exclaims that it is impossible to charge or punish a whole people.[1] A Machiavellian device for getting rid of troublsome princes or a disloyal minister is to make them unpopular and let the people's anger devour them.[2] S'ukra advises dismissal of the public functionary who is accused by a hundred subjects'.[3] Passive resistance is an ever present weapon of protest among simple peoples, sensitive to mass suggestion. The weapon of fasting to death (*prāyopaves'a*), even when practised by isolated persons, can coerce a government by its disturbing appeal to the popular mind, and to the king's own belief in his responsibility for the death of a subject. The *Rājataraṅgiṇi* gives several examples of the effective use of this weapon, and the State's vigilance in watching those who were ready to offer this from of passive resistance.[4] The habitual passive-resister is an ancient.

IMPORTANCE OF THE PEOPLE

A new doctrine emerges from the emphasis laid upon the people (*jana*) among the seven essential elements of the

[1] दण्डो हि महाजनेषु क्षेप्तुमशक्य: (अर्थ. शा., p. 353.)

[2] शून्यपालं समाहर्तारं वा प्रकृतिकोपेन घातयेयु: (अर्थ. शा., p. 384.)

[3] न भृत्यपक्षपाती स्यात् प्रजापक्षं समाश्रयेत् ।
प्रजाशतेन संद्विष्टं संत्यजेदधिकारिणम् ॥ (शुक्र, १, ३७७.)

[4] cf. प्रायोपवेशाधिकृतै: बोधितेन महीभृता । प्रायोपविष्टो निकटं प्रापित: कश्चिदब्रवीत् ॥ (६, १४). Among habitual trouble-makers who are mentioned are प्रायोपवेशकुशला: पारिषद्यद्विजातय: (८, ७०९.)

State (*saptāṅga*).[1] If the king is necessary to his people, they are no less essential to him. If the king is Viṣṇu the people are also Viṣṇu.[2] So argues the mediaeval minister Caṇḍeśvara, apparently on the basis of the older authorities. The State is not the king's estate, and he cannot divide it among his children or give it away. Those for whose protection the State is most necessary, namely the weaker elements of society, have a vested interest in the maintenance of the integrity of the kingdom, from which alone they derive their security. This is the justification offered for declaring a kingdom to be impartible. An autocrat depends more than a constitutional ruler on the loyalty of his ministers, his personal servants and his army. A bureaucracy composed of persons, who are brought up and are imbued with conviction in the beliefs of the age in *Dharma*, as well as a militia, whose rank and file as well as officers share similar beliefs, along with a permanent military force (*maula*) recruited from Kṣatriyas, will make a change of dynasty or ruler an ever-present risk, if popular beliefs were outraged. To a ruler gifted with even ordinary imagination such a danger would appear both real and certain, especially as he could recall to his memory instances of deposition or change of dynasty brought about by such causes.

POWER TO MAKE LAWS

The power to make laws or to change existing laws has always been regarded, both in the East and the West, as proof

[1] स्वाम्यमात्या जनो दुर्गं कोशो दण्डस्तथैव च ।
मित्राण्येताः प्रकृतयो राज्यं सप्ताङ्गमुच्यते ॥ (याज्ञ०, १, ३५३.)

[2] अद्यारभ्य न मे राज्यं राजाऽयं रक्षतु प्रजाः ।
इति सर्वं प्रजाविष्णुं साक्षिणं श्रावयन्मुहुः ॥ (राजनीतिरत्नाकर, ७४.)

of sovereign power. Did the ancient Indian king possess it, as his modern successor has been held to possess by the political department of the British Government in India? In support of the view that the king had the power to make laws by edict the authority of Kauṭilya and the jurist Nārada are *now* quoted, and a famous verse, found in the works of both (and found also cited as a dictum of the equally famous jurist Bṛhaspati), is held to support this view. The verse in question states that the four bases (literally "feet," *catuṣpāda*) of *vivāda* are *Dharma*, *Vyavahāra*, *Caritra* and *Rājas'āsana*, and that each succeeding one over-rides its predecessors (*uttarah-pūrva-bādhakaḥ*).[1] *Rājas'āsana* will, under this rule, supersede, in all cases of conflict, *Dharma*, *Vyavahāra* and *Caritra*. If *Rājas'āsana* is interpreted, as it has been by several *modern* writers, as *general* edicts of the king, it invests the king with the power that the Tudor kings were given to make laws by proclamation. Mr. Jayaswal refers to it as 'king-made law.' (*Manu and Yājñavalkya*, p. 74). He goes further and enlarges on *Nāradasmṛti* bearing "strong traces of monarchist legislation." He regards it as a work of the Gupta period, when there were powerful kings. The interpretation is further supported by reference to the eulogistic passages, recalling those in *Manusmṛti* or S'ukra, exalting the position and person of the king, and referring to his having obtained his position by *tapas* (austerities performed in a previous birth), and by a picturesque phrase suggesting that the subjects had been "*bought* by the king's

[1] धर्मश्च व्यवहारश्च चरित्रं राजशासनम् ।
विवादार्थचतुष्पादः पश्चिमः पूर्वबाधकः ॥

(अर्थ. शा., p. 150; नारद, १, ५०) with the variant चतुष्पाद्व्यवहारोऽयमुत्तरः पूर्वबाधकः (p.7.)

tapas." Dr. Jolly translated the verse thus: "Virtue, a judicial proceeding, documentary evidence, and an edict from the king are the four feet of a lawsuit. Each following one is superior to the one previously named." (S. B. E., XXXIII, 1889, p. 7).[1] The next verse which explained the *s'loka*, was translated by him thus: "There virtue is based on truth; a judicial proceeding (rests) on the statements of witnesses; documentary evidence (rests) on declarations reduced to writing; an edict (depends) on the pleasure of the king." (*Ibid.*, pp. 7-8). This loose translation has been surpassed by Mr. Shama Sastri's version of the *identical* verses in the *Kauṭilīya Arthas'āstra*: (p. 150): "Sacred law (*dharma*), evidence (*vyavahāra*), history (*caritra*) and edicts of kings (*rājas'āsana*) are the four legs of Law. Of these four in order, the later is superior to the one previously named." (Eng. Trn. 1929, p. 170). How far these renderings have departed from accuracy may be seen if the terms are correctly rendered, in harmony with the next verse and legal usage. The word *vyavahāra* in *vyavahārārtha* means 'subject matter of a suit'. Its validity depends in *descending* order on the king's (or court's) order, (*rājas'āsanam*, as the king was the judge also),[2] customary law as recorded in books or registers (*caritram pustakaraṇe*, according to Nārada, and *saṅgrahe puṁsām*, according to Kauṭilya), the matter in dispute (*vyavahāra*, as deposed by witnesses, *vyavahārastu sākṣiṣu*) and *Dharma*, which is rooted in Truth (*satyasthito Dharmaḥ*). *Dharma* is rendered by 'equity, religion, morality, the legal norm or ideal' etc. In

[1] अत्र सत्यस्थितो धर्मो व्यवहारस्तु साक्षिषु ।
चरित्रं पुस्तकरणे राज्ञामाज्ञा तु शासनम् ॥
(p. 150) । नारदस्मृति reading is राजाज्ञायाम्.

[2] This point is important as the rules relate to procedure in trials and not to law in general. This has been overlooked.

the view of those who have seen in these verses proof of royal absolutism, the king can make or unmake law by his fiat, even if it contravenes morality, religion or the ideals of life. A claim for absolute authority in a king can go no further. The circumstance that Kauṭilya (or Cāṇakya) was the all-powerful minister of Candragupta Maurya, who owed the throne to him, perhaps suggested the idea that he was an advocate of autocracy. What has been forgotten is that the same authorities that are held to stand for regal absolutism have declared *in unequivocal language* that in any conflict of *Dharma* with *vyavahāra-s'āstra*, the latter *must* give way. The further rule of Kauṭilya that where there seems to be a discord between *Dharma* and *Nyāya* (logic, reason) the two should be reconciled by interpreting *Dharma* logically, as otherwise the rule will be absurd (*nyāyastatra pramāṇam syāt-tatra pāṭho hi nas'yati* p. 150).[1] In the same paragraph, Kautilya enjoins the king to act in strict conformity with *Dharma*. The king is the mainstay of the *Dharma* of castes and orders as well as its exponent. (p. 150). Obviously, as *Dharma* is of Divine origin, it cannot be inequitable or illogical, and the injunctions of Kauṭilya, to interpret *Dharma* in accordance with equity and logic (*nyāya*), and of Bṛhaspati to apply intelligence (*yukti*) in interpretation as otherwise there will be a failure of *Dharma* or justice[2], are based on this

[1] संस्थया धर्मशास्त्रेण शास्त्रं वा व्यावहारिकम् ।
यस्मिन्नर्थे विरुध्येत धर्मेणार्थं विनिश्चयेत् ॥
शास्त्रं बिप्रतिपद्येत धर्मन्यायेन केनचित् ।
न्यायस्तत्र प्रमाणं स्यात्तत्र पाठो हि नश्यति ॥ (p. 150)

[2] केवलं शास्त्रमाश्रित्य न कर्तव्यो विनिर्णयः ।
युक्तिहीने विचारे तु धर्महानिः प्रजायते ॥
[See १,११४ of my edn. of *Bṛhaspatismṛti*, 1941]

hypothesis. According to Manu only such regal action is valid as conforms to the eternal law (*s'āsvata-dharma*). Yājñavalkya refers to '*Dharma* created by the king' (II, 186)[1] but the allusion is to orders which are in accordance with *Dharma*. *Manusmṛti* (VII, 13) calls for compliance with orders of the king (in conformity with *Dharma*) which he passes in favor or against persons; and they are obviously executive orders.[2] Medhātithi, the greatest of the commentators on *Manusmṛti*, explains the power alluded to thus. If the king orders that during the celebration of a marriage in the house of a minister or royal favourite (*iṣṭa*) a festival should be held in the city, that every one must appear on the occasion, or that on certain days animals were not to be killed or birds snared, or that debtors should not be arrested on certain days by their creditors, his orders must be obeyed. It is noteworthy that these are just the kind of orders that As'oka has embodied in his edicts.[3] The injunction that even in such minor matters the king's orders should be strengthened by an *appeal* to obey them may show how his authority and attitude to *Dharma* were regarded as under public scrutiny.

[1] निजधर्माविरोधेन यस्तु सामयिको भवेत् ।
सोऽपि यत्नेन संरक्ष्यो धर्मो राजकृतश्च यः ॥
(२, १८६). Jayaswal regards this as an exception to the non-inclusion by Smṛti of King-made laws (*op. cit.*, p. 73). *Mitākṣarā* explains it as referring to declaratory or administrative orders made by the King: श्रौतस्मार्तधर्मानुपमर्देन समयान्निष्पन्नो यो धर्मो गोप्रचार-उदकरक्षण-देवगृहपालनादिरूपः सोऽपि यत्नेन पालनीयः । तथा राज्ञा च निजधर्माविरोधेनैव यः सामयिको धर्मो यावत्पथिकं भोजनं देयमस्मादरातिमण्डलं तुरङ्गादयो न प्रस्थापनीया इत्येवंरूपः कृतः सोऽपि रक्षणीयः ॥

[2] तस्माद्धर्मं यमिष्टेषु संव्यवस्येन्नराधिपः ।
अनिष्टं चाप्यनिष्टेषु तं धर्मं न विचालयेत् ॥ (मनु, ७, १३).

[3] See Rock Edicts 1, 4 and 9.

In view of the alleged power that is supposed to be given to the king by the verses under consideration—to change the law or legislate of his own authority, it will be interesting to see how the verses have been interpreted by great commentators. *Smṛticandrikā*, the great South Indian digest, illustrates the first verse thus.[1] A Kṣatriya has through infatuation contacted the queen secretly. When caught, through fear of a death sentence he denies the offence, and witnesses of the act perjure themselves out of humane motive *i.e.* saving of life. Here there is conflict of *Dharma* and *Vyavahāra* (resting on the testimony of witnesses). Again an *ābhīra* (shepherd caste) accuses a person of adultery with his wife, which is not denied; it is a crime in *Dharma*. But the accused pleads that, by usage of the *ābhīra* caste, adultery by its women is not a crime, and that a reference may be made to the recorded usages (*caritra*) of the caste. Here custom over-rules both evidence (*vyavahāra*) and moral law (*Dharma*), because the law enjoins caste usages to be enforced. A conflict between custom and royal command will arise when the king over-rules the custom of a Brāhmaṇa, which makes his house inviolable, and orders a policeman to enter and search it for an offender who is believed to be in hiding within the house. Mādhavācārya[2] gives two more illustrations: by the custom of Malabar (Kerala) adultery is no offence, but in ordinary law it is; a person caught in adultery with a Kerala woman and hauled up for punishment pleads the custom in defence; if the usage is upheld, he is let off in spite of evidence (*vyavahāra*); but, if the king has issued orders that such adultery should not be committed with Kerala women

[1] व्यवहारकाण्ड, ed. Mysore, pp. 23-24.

[2] पराशरमाधवीय, ed., Islam purkar, III, pp. 18-19.

by others, then his command (*rājas'āsanam*) will over-ride the custom. *Rājas'āsana* is thus not a legislative enactment, creating new law or modifying *Dharma* or contravening it, but an administrative order issued by or in the name of the king, such as those specified by Medhātithi. S'ukra enjoins the king to draw public attention to laws by beat of drum and by proclamations, but they are only to be declaratory and explanatory, and not creative of new law.[1] The idea behind the proclamations is that no one should plead ignorance of enjoined duty or *Dharma*. Similar motives must be presumed behind the moral edicts of As'oka. In the long history of Hindu India it will not be possible to find any instance of legislation by royal edict, in the sense of creating laws. The nearest approach to it is authorizing digests of law to be made. If it be asked whether the king can make laws on matters not covered by *Dharmas'āstra*, the answer will be that *Dharma* being eternal and based on sources which cannot omit any possible situation, all that will be necessary will be to *discover* a rule to suit a circumstance, situation or case that does not seem to be covered by a smṛti rule. This was the work of digests (*nibandha*) in a general way, and of *pariṣads* for special cases. Such *ad hoc* committees will be like "Law Commissions" of our times but will differ from the latter in regarding their duty to be to discover and apply law (*Dharma*) and not make or recommend new law. A great commentator or digest-writer will correspond to the ancient Jurisconsults of Rome. During trials, which were always public, it was open to a learned person, who thinks he could help the court with his knowledge of Dharma, to intervene as *amicus curiae*, as was[1] done, according to Asahāya, by the Brāhmaṇa Smārta S'ekhara.

[1] Jolly's Trn. of *Nāradasmṛti*. pp, 43-44.

The interpretation of customs was by local assessors. The association of such persons in trials was for this purpose. Caste usages were also apparently recorded in books, like those made by Sir Charles Tupper for the Punjab and Mr. Steele for the Southern Maratha country.[1]

Kauṭilya refers to a digest (*saṁgraha*) of laws, which embraced *Dharma*, *Vyavahāra* and Customs of castes (*jāti*), clans or families (*kula*) and corporate bodies (*saṁgha*), that was made by the State and was available for consultation.[2]

Scrappiness of Law in Smṛtis

This tendency should have been strengthened by the scrappy treatment of civil law in *Dharmas'āstra*, which is held up as the pre-emient source of law. Two reasons have been offered for this strange deficiency. It is argued firstly, that smṛtis were composed " under an overpowering sense of the meanness and worthlessness of worldly life " and the sages who composed smṛtis " showed their natural contempt for worldly affairs by giving them an insignificant treatment in their enunciation of law." Secondly, it is pointed out that all the leading commentaries and digests of *Dharmas'āstra*, which have survived, were composed during the Muhammadan domination.[3] The authors of the digests were indeed more worldly than the sages who composed the smṛtis but they should have felt that their opinions would carry little weight, except in regard to questions of inheritance, with the Muhammadan rulers of the time. A more satisfactory way

[1] C. L. Tupper, *Punjab Customary Law*, 1881 ; C. A. Steele, *Law and Custom of Hindoo Castes*.

[2] देशग्रामजातिकुलसंघातानां धर्मव्यवहारचरित्रसंस्थानं . . . कारयेत् (p. 62).

[3] But Asahāya's fragmentary *bhāṣya* on *Nāradasmṛti*, Medhātithi's *Manubhāṣya* and Vis'varūpa's *Bālakrīdā* (on *Yājñavalkyasmṛti*) are long prior to the Muslim conquest.

of accounting for the neglect of civil law in smṛtis can be suggested. In ancient India different kinds of law existed side by side and were administered by different courts.[1] Customary law came under caste committees.[2] The laws of group organization were dealt with by the executives of the group.[3] The ordinary civil and criminal laws enforced by the king's courts. The *Dharma* (canonical) law came before canonical courts.[4] This will explain how a work like the *Kauṭilīya* omits to refer to the rules of penance and the canonical precepts, which Kauṭilya obviously did not reject, while dealing very fully with ordinary civil and criminal law. The older smṛti *(Dharma-sūtra)* reverses the order of preference and gives little space to civil and criminal law. The *Dharmas'āstras* of Manu or Yājñavalkya are not quite like the older smṛtis. They represent the fusion of opinion and points of view between *Dharma* and *Artha S'āstra*, with a bias to the views of the former. Accordingly, they deal with both civil and criminal law and with penances. The still later works of Nārada and Kātyāyana correct the traditional lopsidedness of smṛti literature by

[1] cf. Kauṭilya's *Dharmasthīya* and *Kaṇṭakas'odhana* courts for Civil and Criminal trials. S'ukra wants them to be heard by the same Court at different hours of the day : न्यायान् पश्येत्तु मध्याह्ने पूर्वाह्णे स्मृतिदर्शनम् (४, ५, ५४).

[2] कुलानि श्रेणयश्चैव गणस्त्वधिकृतो नृपः ।
प्रतिष्ठा व्यवहाराणां गुर्वेभ्यस्तूत्तरोत्तरम् ॥
कात्यायन, ed. Kane, 1933, ८२.

[3] कार्येष्वधिकृता राज्ञा ग्रामश्रेणिगणाः कुलम् । गुरुः स्वामी कुटम्बी च पिता ज्येष्ठः पितामहः ॥ विवादानपि पश्येयुः स्वाधीने विषये नृणाम् । वणिक्शिल्पिप्रभृतिषु कृषिरङ्गोपजीविषु । अशक्यो निर्णयो ह्यन्यैस्तज्ज्ञैरेव तु कारयेत् ॥ (व्यास).

[4] अर्थ. शा., pp. 147-150.

confining their attention almost entirely to civil law.[1] They were able to omit the penitential sections of the smṛti because (having been composed in epochs of powerful Hindu feeling, in which the law courts were presided over by men who were steeped in the traditions of *Dharma-s'āstra* they could rely on the omission being corrected by the judges.

KAUṬILYA'S 'CAMERAL' OUTLOOK

The large space allotted in the *Kauṭilīya* to the consideration of questions of practical Jurisprudence, and the discussion of political, administrative and economic topics is due entirely to the 'Cameral' outlook of the *Arthas'āstra*. Brevity, clearness, and other qualities recommended as the desirable features of an ideal code by western Cameralists and Adam Smith, are recognizable features in the legal portions of the *Kauṭilīya*.

THE KING-IN-COUNCIL

The Indian thinker is against 'one man rule,' in the sense of final decisions being taken by the king without proper advice. The dependence of the king on such expert advice extends to both the legislative and administrative sides of State action. The ruler is enjoined to keep a council and habitually consult it for helping in administration.[2]

[1] *Bṛhaspati-smṛti* apparently dealt with every section of Dharma. My reconstruction of it (G.O.S. LXXXV, 1941) shows that his treatment of *Saṁskāra Ācāra*, *S'rāddha*, *Ās'auca*, *Prāyas'ccitta* and *Apad-dharma* together exceeded his treatment of *Vyavahāra*, which itself exceeds that of Manu and Yājñavalkya.

[2] सचिवान्सप्त चाष्टौ वा प्रकुर्वीत परीक्षितान् ॥
तैः सार्धं चिन्तयेन्नित्यं सामान्यं सन्धिविग्रहम् ।
स्थानं समुदयं गुप्तिं लब्धप्रशमनानि च ॥
तेषां स्वं स्वमभिप्रायमुपलभ्य पृथक् पृथक् ।
समस्तानां च कार्येषु विदध्याद्धितमात्मनः ॥ (मनु, ७, ५४, ५६—५७).

The different suggestions for the constitution and composition of the King's Council reflect the ingenuity of *Arthaśāstra* writers, and probably their political experience and vision.[1] The Council is to be composed of the king's ministers. The appointment of a sole minister is deprecated.[2] The discussions of the Council must take place in secret and in the presence of the king.[3] There is no suggestion that the Council should work in committees or that its labours should be divided permanently between sections of the Council. The strength of the Council should not be too great for efficient discussion by the entire body and for prompt decision.[4] In suggesting a Council of manageable size,[5] Kauṭilya remarks that the strength of the Council of the divine Indra was a thousand, implying that the management of such a huge assembly is possible only for a divine and not a human king. A very small Council is objected to as it will be unrepresentative of experience and wisdom and may become cliquish. A just mean is to be struck and a body of not less than twelve members, representing every side of state activity, forms an ideal Council, which must be allowed to have its say on every

[1] अर्थ. शा., p. 13.

[2] एको मन्त्री न कर्तव्य: । बहवो मन्त्रिण: परस्परं स्वमतीरुत्कर्षन्ति (नीतिवा., ९, ६६-७१) ; गुणयुक्तेऽपि नैकस्मिन् विश्वसेत विचक्षण: (शान्तिपर्व, २४, २६).

[3] तदुद्देशः संवृत: कथानामनिस्रावी पक्षिभिरपि अनालोक्यस्स्यात् ॥ अर्थ. शा., p. 26. अयोध्याकाण्ड, १००, १६, १८—सुसंवृतो मन्त्रधरैरमात्यै: शास्त्रकोविदै: । कच्चिन् मन्त्रयसे नैक: कच्चिन्न बहुभिस्सह ॥ कच्चित्ते मन्त्रितो मन्त्रं राष्ट्रं न परिधावति ॥

[4] यथासामर्थ्यमिति कौटिल्य: (*Ibid.*, p. 29).

[5] इन्द्रस्य हि मन्त्रिपरिषदृषीणां सहस्रम् (*Ibid.*).

important question.[1] The unity of aim of the State is denoted by the joint responsibilities of the members. Extraordinary care is to be taken to guard the secrecy of the discussions in the Council. He who betrays the secrets of the Council is "to be torn to pieces" (*Ucchidyeta-mantra-bhedī*).[2] Coupled with the insistence on the powers of persuasive speaking and learning as essential qualifications for ministership,[3] the rule of secrecy will show that the discussions in the Council were free and animated, and that members could express their opinions with the freedom born of the assurance that their views, even if unpopular, would not be divulged, and thereby expose them to popular resentment. The Council is not to consist of mere technical experts. It is to have some of 'outside' or lay experience to control the experts. Nor is the Council to fall under the overawing influence of military leaders. Somadeva enunciates the proposition that those who wield the sword should not control policy[4]—a prohibition obviously designed to secure the pre-eminence of the civil side in government. The views of a bureaucracy could not therefore prevail in the kingdom unless they stood the test of the lay criticisms in the Council. Under such conditions, unity of outlook, and the habit of co-operation between ministers themselves and between the ministers and the king will be generated. Constitutionally, the

[1] 'मन्त्रिपरिषदं द्वादशामात्यान् कुर्वीत' इति मानवा: (अर्थ. शा. p. 29); but *Manu-smṛti* fixes the strength at seven or eight only.

[2] *Ibid.*, p. 26.

[3] जानपदोभिजातः स्ववग्रहः कृतशिल्पः चक्षुष्मान् प्राज्ञो धारयिष्णु: दक्षो वाग्मी प्रगल्भ: प्रतिपत्तिमान् उत्साहप्रभावयुक्तः क्लेशसह: शुचिः मैत्रो दृढभक्तिः शीलबलारोग्य-सत्वसंयुक्त: स्तम्भचापल्यवर्जित: संप्रियो वैराणामकर्ता इति अमात्यसंपत् ॥ (*Ibid.*, p. 15).

[4] शस्त्राधिकारिणो न मन्त्राधिकारिणः स्यु: (नीतिवाक्या., p. 36).

Council was purely advisory and that is explicitly stated by Kauṭilya and his predecessors. But, the Council was in effect a permanent and effective check on the king. Experience and ability are bound to tell, and the Council represented the best available elements of both. The vitality of Indian dynasties and empires, originally raised on the loose foundations of confederations or rapid conquests, was secured by a balance between the weaknesses of the king and the effective control of a supreme Council, constituted of the outstanding ability, patriotism and experience of the kingdom.

The Western Cameralist was a confirmed bureaucrat. The *Arthas'āstra* may also appear to favour bureaucracy. An elaborate machine of administration, a good diplomatic corps and a powerful army are suggested by it. Preparedness for war is the recognized guarantee of peace. The Western Cameral ideal of inter-statal relations is a 'balance of power,' which is to be secured through the exertions of a diplomatic corps whose methods are indicated with pedantic fulness and precision.

The Army

In ancient India, the paramount military needs of the kingdom were met by the standing army, by the social regulation, which reserved a whole caste (the Kṣatriya) for military service, by the provision of a training and a tradition, that fostered military virtues and by carefully segregating the soldier from distraction during military training and in the pursuit of his avocation, by rules prohibiting his employment on political or administrative duties. Harmonious relations between the civil population and the soldiery is to be secured by preventing occasions for clashes. Soldiers are not to enter

villages.[1] A feudal system cannot rise, as the army is recruited on a voluntary salary basis, like any other branch of the public service.[2] The technique of military training is viewed as sufficiently difficult to demand the whole time and attention of the soldiers. Like the ordinary public service, and even more than other departments of the State, the army is to be open to all sections of the community.[3] Wise and humane rules of war regulate the conduct of soldiers towards the inhabitants of an enemy country, combatants or non-combatants.[4] The necessary auxiliary arms, such as the commissariat[5], intelligence corps and medical service[6] are duly provided. A military domination of the State is checked by ruling that a soldier should not have the power to decide policy by entering the Cabinet.

DIPLOMACY

The *Arthas'āstra* glories in its diplomacy. Great ingenuity is displayed in suggestions of graded classes[7] of diplomatic agents and of devices by which a king is assured of

[1] नृपकार्यं विना कश्चिन्न ग्रामं सैनिको विशेत् ।
तथा न पीडयेत् कुत्र कदापि ग्रामवासिनः ॥
सैनिकैर्न व्यवहरेन्नित्यं ग्राम्यजनोऽपि च ।
युद्धक्रियां विना सैन्यं योजयेन्नान्यकर्मणि ॥ (शुक्र०, ५, १, ९०–९१)

[2] अभृत (' unpaid ') is one of the thirty-two ' troubles ' (*vyasana*) of an army according to Kauṭilya (p. 333).

[3] See *Kauṭilīya*, p. 343, which refers to recruits from all castes. Foreign mercenaries (*atisṛta*) are condemned by him (p. 333).

[4] See *S'āntiparva* on those who should not be killed (ch. 98, 14; ch. 100, 25-29); rules of combat (ch. 95). On booty in war see Medhātithi on Manu, VII, 96.

[5] *Kauṭilīya*, p. 362.

[6] *Kāmandakīya*, VII, 27.

[7] *Ibid.*, p. 30.

victory in the 'battle of wits' (*Mantra-yuddha*), which between States is held to be more effective and less expensive than an armed conflict.[1] In relation to its neighbours, a State forms the centre of a theoretical 'circle,' (*Maṇḍala*) composed of twelve members (*dvādas'a-maṇḍala*), among whom allies, enemies and neutrals, (actual, prospective, and potential) are all brought in. The variation of policy towards these leads to the scholastic elaboration of seventy-two types of attitudes.[2] The intricate diplomacy of the *Arthas'āstra* and the discussions relating to the details of the *Maṇḍala* organization had apparently much interest to kings and politicians in ancient India, though to us, they appear dreary and obscure.[3]

OFFICIAL SECRECY AND CORRUPTION

A feature of the old Indian administration, in which it anticipates the mentality of the modern official is the extraordinary sensitiveness to *official secrecy*. Betraying ordinary official information is an offence entailing banishment. Divulging the secrets of the King's Council makes the offender liable to death.[4] The setting of such a great value on official secrecy, denotes an atmosphere of suspicion and the fear of official corruptibility, which is also denoted by the penalties for bribery (*lañcha*) and for official corruption.[5] This is in

[1] पार्ष्णिग्रहणाभियानयोस्तु मन्त्रयुद्धादभ्युदच्चयः (*Ibid.*, p. 301; and pp. 382-384.)

[2] *Kauṭilīya*, VI, 2, *Manu*, VII, 154-159; *Kāmandakīya*, Ch. VII, and Notes to M. N. Dutt's trn. pp. 85-90.

[3] V. R. R. Dikshitar, *Mauryan Polity*, pp. 74-77.

[4] उच्छिद्येत मन्त्रभेदी (अथ. शा. p. 26).

[5] Taking bribes (उत्कोच) entails banishment—उत्कोचकः इति प्रवास्येत (अर्थ. शा. p. 209); See also Manu, VII, 124 :—ये कार्यिकेभ्योऽर्थमेव गृह्णीयुः पापचारिणः। तेषां सर्वस्वमादाय राजा कुर्यात्प्रवासनम् ॥

line with the low view of human character which sees in force the only means of securing respect to moral rules. Kauṭilya devotes a long chapter (Bk. II, Ch. 8) to a vivid and a realistic description of every conceivable form of official speculation. The list of possible misdeeds is exhaustive enough for even the present day. Court favourites are classed with thieves and frontier guards, as dangers to commerce. Yājñavalkya denounces as oppressors both policemen and public accountants.[1] These instances will show that the elaboration of the machinery of administration had not removed the opportunities for official oppression and malversation. To minimize the scope for official irregularities and to help in their detection, Kauṭilya has furnished standards of allowable expenditure, wastage etc., derived from actual observation and experiment. These details, which roused the irony of Daṇḍin, show the thoroughness of the *Arthas'āstra* and the resolution of the men at the helm of the old Indian empire to allow of no waste or deceit.[2]

THE EXCHEQUER

Kauṭilya gives the Treasury (as in modern Governments) a general power to supervise and control all revenue producing and spending departments.[3] Periodical audits by the treasury, check inspections by special commissioners, the regular and systematic collection of statistics, and the punctual preparation

[1] चारतस्करदुर्वृत्तमहासाहसिकादिभिः । पीड्यमानः प्रजां रक्षेत्कार्यस्थैश्च विशेषतः ॥ (१, ३३६).

[2] These passages are collected and compared with Daṇḍin's sarcastic passage (*Das'akumāracarita*, ed. Bühler, vol. 2, pp. 51-55) in Shama Sastri's Introductions to his edition and translation of the *Kauṭilīya*.

[3] कोशपूर्वाः सर्वारम्भाः । तस्मात्पूर्वं कोशमवेक्षेत (अर्थ. शा. p. 65).

of accounts and administrative reports at the end of the official year are insisted by Kauṭilya.[1] All *Nītis'āstras* require the king to be posted up daily with the figures of income and disbursement up to the day.[2] Over and above such normal agencies of check and control, every branch of official and private activity is also to be watched by a vast Secret Service.[3] The members of this body were like the spy or the police informer, who are alluded to with contempt. The constitution of a body of carefully selected and reliable public servants, who could be trusted to discover by their vigilance and disclose by their integrity all official lapses, and which will stand the routine audit is evidence of the zeal to provide checks to the deterioration of bureaucratic government.[4]

CIVIL LAW

The influence of the Cameral outlook on our old civil and criminal law needs consideration. In civil law, a Cameral motive for modification is the immediate or ultimate advantage of the State and the exchequer. The prosperity of the king depends on the prosperity of the people.[5] "Poor king, poor

[1] See *Kauṭilīya*, Bk. 2 and Bk. 5, ch. 2: कर्मसु चैषां नित्यं परीक्षां कारयेत् (*Ibid.*, 2, 7); गाणनिक्यानि आषाढीमागच्छेयुः (*Ibid.*, 2, 7); *Ibid.*, p. 59. See *Anct. Ind. Polity*, pp. 44 and 113. *S'ukra*, I, 51-52 and 275-285, and *S'āntiparva*, ch. 89-90. See Dikshitar, *Mauryan Polity*, pp. 201-214.

[2] तत्र पूर्वदिवसस्याष्टमे भागे रक्षाविधानमायव्ययौ च श्रृणुयात (अर्थ. शा., p. 37); कृतरक्षः समुत्थाय पश्येदायव्ययौ स्वयम् । (याज्ञ., १, ३१५).

[3] *Kauṭilīya*, pp. 142-143.

[4] *S'ukra*, IV, 9, 66-68. A secret agent is *Sūcaka* and an informer is *Stobhaka*.

[5] प्रजासुखे सुखं राज्ञः प्रजानां च हिते हितम् ।
नात्मप्रियं हितं राज्ञः प्रजानां तु प्रियं हितम् ॥ (अर्थ. शा., p. 39).

kingdom."[1] The civil law should therefore be such as will stimulate production. The individualization of property to the extent of granting to the members of an undivided family exclusive control over the gains of their learning and professional skill,[2] the provision for even slaves to purchase their freedom out of their self-earnings,[3] the development of the rights of separate property for women,[4] such wholesome rules

[1] The famous maxim of Sully (1560-1641). Similar sayings are :—' The prosperity and welfare of the subjects is the foundation upon which all happiness of a prince is based '' (Schroedar, *Small*, p. 142) ; identity of interest between prince and subject (Rohr, *Ibid*., p. 203) ; ' the true greatness of princes is inseparable from the prosperity of their lands ' (Zincke, *Ibid*., p. 262) ; ' a king is a rich king when he has rich and skilful subjects,' (Darjes' *Ibid*., p. 279) ; and ' the chief duty of the monarch consists in guardianship of the happiness of the subjects (Justi, *Ibid*., p. 324).

[2] Gautama (c. 600 B.C.)—स्वयमर्जितमवैद्येभ्यो वैद्य: कामं न दद्यात् । अवैद्या: समं विभजेरन् (२८, १८-१९) [विद्यामधीते इति 'वैद्य:']; Vasiṣṭha allows him to keep part of the gains of learning (१७, ५१) ; Yājñavalkya, (II, 118-19) पितृद्रव्याविरोधेन यदन्यत्स्वयमर्जितम् । मैत्रमौद्वाहिकं चैव दायादानां न तद्भवेत् ॥ क्रमादभ्यागतं द्रव्यं हृतमप्युद्धरेत्तु य: । दायादेभ्यो न तद्दद्याद्विद्यया लब्धमेव च ॥ ; Manu, (IX, 208)—अनुपघ्नन् पितृद्रव्यं श्रमेण यदुपार्जितम् । स्वयमीहितलब्धं तन्नाकामो दातुमर्हति ॥ ; also (IX, 206)—विद्याधनं तु यद्यस्य तत्तस्यैव धनं भवेत् । ; Vyāsa (quoted by Aparārka, p. 725)—विद्याप्राप्तं शौर्यधनं यच्च सौदायिकं भवेत् । विभागकाले तत्तस्य नान्वेष्टव्यमिति स्थिति: ॥ पितृद्रव्याणां स्वयमार्जितमविभाज्यम् । (अर्थ. शा., p. 160). पित्रादिधनसंबन्धहीनं यद्यदुपार्जितम् । येन सः काममश्नीयादविभाज्यं धनं हि तत् ॥ (शुक्र, ४, ५, ३००) ।

[3] न त्वेवार्यस्य दासभाव: (p. 181) । आत्मविक्रयिणः प्रजामार्यां विद्यात् (p. 182) । आत्माधिगतस्वामिकर्माविरुद्धं लभेत, पित्र्यं च दायम् , (p. 182) । प्रक्षेपानुरूपश्चास्य निष्क्रयः (emancipation), p. 182 । दण्डप्रणीतः कर्मणा दण्डमुपनयेत् । आर्यप्राणो ध्वजाहृत: कर्मकालानुरूपेण मूल्यार्धेन वा विमुच्येत (p. 183) । दासद्रव्यस्य ज्ञातयो दायादा: । तेषामभावे स्वामी (p. 183) [कौटिलीये] ॥ Contra, *Manu*, VIII, 416—भार्या पुत्रश्च दासश्च त्रय एवाधनाः स्मृता: । यत्ते समधिगच्छन्ति यस्य ते तस्य तद्धनम् ॥

[4] *Kauṭilīya*, pp. 152-154. Kauṭilya (p. 152) provides that the wife cannot complain about the expenditure of her *Strīdhana* by the husband (in case of imprisonment for debt, disease, famine or indispensable religious duties), as

as that the whole of a man's property cannot be confiscated except on a judicial sentence,[1] that the instruments and appliances of production are always to be exempt from attachment for debt and revenue recovery[2] and that cultivators should be granted freedom from arrest for debt during the cultivation season,[3] are other illustrations of the operations of this motive. The *Arthas'āstra* deliberately reduces the periods of limitation and prescription prescribed in the *Dharmas'āstra*,[4] and its civil law aims at the removal of uncertainty in the acquisition, use, development and transfer of property. It humanizes the law of debt.[5] The ancient right of the creditor to place the debtor under indefinite restraint is attenuated to a vanishing point. The debtor is protected against harassment by his creditor. Unless a debtor is likely to abscond from the country, he cannot be proceeded against simultaneously by several creditors.[6] They can proceed against him only

allowed also by Yājñavalkya, II, 147), after three years of such use, or when two children have been borne in the interval, if the marriage has been in the first four forms. In case the marriage was in *rākṣasa* or *pais'āca* forms, the husband must restore the property or be treated as a thief. These rules go farther than any smṛti.

[1] Manu, IX, 242.

[2] Nārada, XX, 10-11; आयुधान्यायुधीयानां शिल्पद्रव्याणि शिल्पिनाम् । वेश्यास्त्रीणामलंकारं वाद्यातोद्यादि तद्विदाम् ॥ यच्च यस्योपकरणं येन जीवन्ति कारवः । सर्वस्वहरणेऽप्येतान्न राजा हर्तुमर्हति ॥

[3] अग्राह्याः कर्षकालेषु कर्षकाः (अर्थ. शा., p. 175).

[4] यत्स्वं द्रव्यमन्यैः भुज्यमानं दशवर्षाणि उपेक्षेत हीयेतास्य । अन्यत्र बालवृद्धव्याधितव्यसनिप्रोषितदेशत्यागराज्यविभ्रमेभ्यः । विंशतिवर्षोपेक्षितमनुवसितं वास्तु नानुयुञ्जीयात् । ज्ञातयः श्रोत्रियाः पाषण्डा वा राज्ञामसन्निधौ परवास्तुषु विवसन्तः न भोगेन हरेयुः । उपनिधिमाधिं निधिं निक्षेपं स्त्रियं सीमानं राजश्रोत्रियद्रव्याणि ॥ (अर्थ. शा., p. 190) । दशवर्षोपेक्षितमृणमप्रतिग्राह्यम् । अन्यत्र बालवृद्धव्याधित etc. *Ibid.*, p. 174).

[5] See *Kauṭilīya*, pp. 174-177.

[6] नानार्णसमवाये नैको द्वौ युगपदभिवदेयाताम् । अन्यत्र प्रतिष्ठमानात् (*Ibid.*, p. 175).

in the order in which the debts were contracted, and one creditor at a time. Debts due to the State, and to the unendowed classes which render public service *e.g.*, Brāhmaṇa, have priority, independently of the order of time in which they were contracted.[1]

A debtor may be terrified by the old belief that if he dies without discharging his obligations he will be reborn as a beast, but he cannot be incarcerated indefinitely. Every opportunity for redemption is to be given to those who are virtually insolvent.[2] The avarice of the money-lender is not to be allowed to paralyse industry and trade by being given the support of a harsh law.[3] The interest which a creditor receives on loans covers possible losses of the sums lent. These are the underlying principles.[4]

Group Organizations

The operation of the same motive is seen in the apparently contradictory treatment of group organizations by the old Indian State. Organization helps production. Accordingly let the State treat generously guilds and industrial groups. The right of association is granted to all persons, workers, merchants, capitalists, religious men and women,[5] and, in

[1] तत्रापि गृहीतानुपूर्व्या राजश्रोत्रियद्रव्यं वा पूर्वं प्रतिपादयेत् (*Ibid.*, p. 175).

[2] ब्राह्मणस्तु परिक्षीणः शनैः दाप्यो यथोदयम् (याज्ञ., २, ४३); मनु, ८, १७७.

[3] Manu, VIII, 177; Yājñavalkya, II, 43.

[4] अकृत्वा वृद्धिं साधयतो वा मूल्यं वा वृद्धिमारोप्य श्रावयतो बन्धश्चतुर्गुणो दण्डः। तच्चतुरश्रावणायामभूतचतुर्गुणः। (*Ibid.*, p. 174).

[5] देशजातिकुलधर्माश्चाम्नायैरविरुद्धाः प्रमाणम्। कर्षकवणिक्पशुपालकुसीदिकारवः स्वे स्वे वर्गे। तेभ्यो यथाधिकारमर्थान्प्रत्यवहृत्य धर्मव्यवस्था॥ (गौतम, ११, २२-२४)

imitation of them, even heretics and robbers formed guilds.[1] All such groups are autonomous in their own affairs, and their bye-laws are enforced by the State. The heads of the guilds are to be singled out for social and political distinction.[2] Their support is to be coveted, and their anger dreaded by the king. On the other hand, they are to be watched, in the interests of the State, and their activities in raising prices or lowering wages by combined effort, are to be penalized.[3] The formation of new corporations and the alterations of old guild constitutions are apparently to secure recognition by the State.[4] The guild has a perpetual succession in law,[5] which accounts for the rules against its acquiring peasant estates in villages.[6]

CRIMINAL LAW

In penal law, the working of the Cameral motive is responsible for humane improvements in outlook as well as in treatment. The aim of punishment is prevention and cure, and not retribution. In ages of faith, the deterrent effect of a punishment is increased by giving it a spiritual

[1] Kauṭilya mentions 'heretic guilds' (*pāṣaṇḍa-saṁgha*, pp. 36 and 242); the reference may be to the Buddhist *Saṁgha*.

[2] *S'reṇīmukhyas* are to be paid 8000 paṇas as salary (p. 245).

[3] देशकालान्तरितानां तु पण्यानां—प्रक्षेपं पण्यनिष्पत्तिं शुल्कं वृद्धिमवक्रयम् । व्ययानन्यांश्च संख्याय स्थापयेदर्घमर्घवित् ॥ (अर्थ. शा., p. 205).

[4] श्रेणिनैगमपाषण्डिगणानाप्ययं विधिः ।
भेदे चैषां नृपो रक्षेत् पूर्ववृत्तिं च पालयेत् ॥ (याज्ञवल्क्य, २, १९२)

[5] This is inferrable from Paiṭhīnasi's dictum (cited by Aparārka)—
—न हार्यं राजा देवतागणसंस्थित . . . धनानि.

[6] करदाः करदेष्वाधानं विक्रयं वा कुर्युः । (अर्थ. शा., p. 171).

colour. The primitive combination of religious and material elements in the penalties awarded by the community for crimes was similarly continued by the Indian sociologist, side by side with the developed penal law. The aim of the old Indian law of crimes was to adjust the penalty to the psychology of the offender and his class. The methods for the detection of crime are also to take account of the accused person's psychology. Compurgation and ordeals, which were freely used in early times in which efficient devices for the detection of crime did not exist, are discouraged by the *Artha-s'āstra*, though they are continued even in the later *Dharma-s'āstra*, more perhaps as a matter of tradition than of conviction. So serious a thing as a man's life cannot be left to the chance of an ordeal. The value of an appeal to God is essentially psychic. To women and children and to nervous people the ordeal adds a refinement to cruelty. To the atheist and the hardened criminal it makes little appeal.[1] Kauṭilya therefore rests the detection and punishment of crime solely on the secure basis of investigation and evidence. Instances in which judicial sentences are found to have been unjustly given, after it is impossible to recall them, should be few, except for offences against the State or society, or outrages against humanity. The death penalty should be restricted only to such cases. The violation of cardinal state monopolies (*e.g.*, destruction of elephants),[2] and grave social and economic offences like wholesale cattle-lifting which may lead to blood-shed, as well as arson and destruction of works

[1] महाभियोगे निर्धर्मे कृतघ्ने क्लीबकुत्सिते ।
नास्तिके दृष्टदोषे च कोशपानं विवर्जयेत् ॥
(बृहस्पतिः) Somadeva (27, 15) takes the same view.

[2] हस्तिघातिनं हन्युः । . . हस्तिप्रधानो विजयो राज्ञाम् (अर्थ. शा., p. 50).

of irrigation are specifically made capital offences and their justification is obvious.[1] The cruel punishments of maiming and mutilation are continued by the *Arthas'āstra* apparently more for the segregation of the known social offender than as a measure of retributive justice. In many cases, the option is given to compound corporal punishment by fines. S'ukra suggests banishment or deportation to islands for offences for which what is desired as a penalty is to get rid of a noxious person from society. The basic principle of the Indian criminal law in all such cases is that the penalty should never exceed the needs of society. Punishment has to be viewed both from the standpoint of the offender and of society.

Among the persons whose deportation is recommended by S'ukra are the turbulent man, the cowardly soldier, the man 'who is a thorn to the village,' the householder who becomes a monk without providing for his kith or kin, and the subject who fails the king in the hour of need.

Economic considerations account for the penalties provided in old Indian law for the destruction of trees and plants,[2] for the exportation of articles of primary need to the country *e.g.*, wool (so necessary for protection in winter), arms, armour, war-chariots, animals of use in war, and food grains.[3] It may be recollected that similar motives led in England to provision of the death penalty for the exportation of wool from the country, so late as the reign of Charles II.[4]

[1] उदकधारणं सेतुं भिन्दतः तत्रैवाप्सु निमज्जनम् । (अर्थ. शा., p. 227).

[2] पुरो वनस्पतीनां पुष्पफलच्छायावतां प्ररोहच्छेदने षड्गुणः । क्षुद्रशाखाच्छेदने द्वादशपणः । पीनशाखाच्छेदने चतुर्विंशतिपणः । स्कन्धवधे पूर्वसाहसदण्डः । समुच्छित्तौ मध्यमः ॥ अर्थ. शा., p. 197).

[3] शस्त्रवर्मकवचलोहरथरत्नधान्यपशूनां अन्यतमानिर्वाह्यं निर्वाहयतो यथाऽवघुषितो दण्डः पण्यनाशश्च (अर्थ. शा., p. 111)

[4] Adam Smith, *Lectures on Justice*, etc. ed. Cannan, p. 136.

LIBERTY AND CITIZENSHIP

A review of the politics of Indian Cameralism will be incomplete without a reference to the Indian conceptions of personal freedom, citizenship and loyalty. The fundamental conceptions of old Indian society preclude the possibility of drawing any distinction between public and private duties in ancient India. When life is an organic whole, its division into water-tight public and private compartments is impossible. The suggestion that the king is always a public person is quite as valid as the conception of the subject as always an equally public person. Every one, from the king to the man in the street, has his appointed duties and functions. He enjoys unfettered liberty of action only outside the obligation to discharge these duties. No one is absolutely free, not even the king. Somadeva's recommendation of 'freedom as the best tonic of man,' and the assertion of the *Mahābhārata* that 'every one is king in his own house'[1] merely reflect the temper of the times, which sought to put some limit to State intervention in the ordinary lives of the people. The Indian view emphasizes obligations, not rights. The prejudice against the foreigner may be social, but it is not political. There is no expression in Sanskrit which has the exact sense of 'citizen' and 'citizenship.'[2] Such terms as *prajā*, *prakṛti*, *paura*, and *jana*, convey none of the implications of the civil rights of the citizen. Suffrage follows status. If citizenship is to be defined merely by political obligation, by habitual obedience to the State and the payment of taxes, we can bring within the body of citizens

[1] सर्वः स्वगृहे राजा (शान्तिपर्व, ३१७, ४८)

[2] An English-Sanskrit dictionary gives three incorrect renderings of 'citizen': *paura*, *pauragaṇa*, *nagarajana*.

even the alien who conformed to these conditions during his residence in the kingdom. Political obligation springs purely from residence, and does not connote a personal tie between ruler and subject. The imposition in the *Kauṭilīya* of discriminating duties against certain imported articles usually handled by aliens is aimed at the goods and not the foreign dealers *qua* foreigners. A man shed his duty as a subject by simply crossing the frontier. Oppression led to wholesale or piecemeal emigration.[1] In the settled monarchies or empires envisaged by the *Arthaśāstra*, the tie of tribal or clan allegiance is not translated into a political bond. When it emerges in our history, it does so only in areas under clan domination, like Rājasthān, with added glamour of chivalry and sacrifice, and is ennobled as ' loyalty'. A background of rich sentiment may exist between king and subject, but it is not essential to their relation, as conceived by old Indian polity.

1 'सुखं वा सानुग्रहपरिहारसौकर्यं फललाभभूयस्त्वेन स्वकर्मणा परकर्मयोगावहजनमा-स्रावयिष्यामि ' (अर्थ. शा., p. 263).

V

ECONOMICS OF INDIAN CAMERALISM

INTRODUCTORY

NO aspect of Cameralism has been so greatly emphasized in the West as the economic, and none in regard to the analogous Indian group of sciences has been so little stressed as the economic. This paradoxical difference should be explained. Modern economics owes much to Cameral thought. Adam Smith was virtually, if not consciously and by derivation, a Cameralist. In modern India, the failure to recognize the interdependence of *Dharmas'āstra* and *Artha-s'āstra* and the practice of viewing them not as allied but as rival studies, and the omission to study the economic ideas inherent in both types of literature, have been largely responsible for the failure to make a synthesis of Hindu Economics. It has been my privilege to make this attempt in other forums.[1] To avoid needless repetition, I would ask your indulgence to permit a reference to the Benares lectures on *Ancient Indian Economic Thought* and to restrict myself today to the presentation of only salient aspects of Hindu Economic thought, which betray either a Cameral bias or necessitate a Cameral interpretation.

[1] See my *Ancient Indian Economic Thought*, (pp. 19-20 and 24 ff.)

Few languages have a richer vocabulary than Sanskrit, and yet, as we have seen, it lacks words to describe, many modern ideas such as 'suffrage' 'citizen' etc.[1] In the same way there is no Sanskrit word that stands for Economics. The suggestion of compound expressions in modern vernacular treatises on Economics such as *Dhanas'āstra*, *Arthamīmāṁsā*, etc., has not been happy.

Unity and Interdependence of Indian Social Sciences

The absence of words which exactly connote ideas does not necessarily imply that such ideas were not conceived. The subject matter of a modern economic treatise can be built up by laying under contribution not one but a group of connected Indian sciences. In attempting a division of labour in science every age makes its own conventions. The fundamental hypothesis of the ancient Indian social sciences was their interdependence and unity.[2] While for convenience they could be divided, the formation of overlapping social sciences like modern Jurisprudence, Politics, Economics and Ethics was not then considered as worth the trouble. Specialization is usually necessitated by educational needs. The aim of Indian education was to combine all the necessary branches of study in one curriculum, which would furnish the basis for a comprehensive view of the unity of Knowledge, in relation to the traditional religious background.

Practice and Theory

In ancient India the distinction between the scientific and practical attitude was not normal. Even in regard to

[1] The words given by the dictionary are *mata*, *matādhikāra*, *mati* and *anumati* which do not accurately convey the sense of 'Suffrage.'

[2] Vide Lect. I, *passim*.

modern Economics, we have high authority (*e.g.*, Sidgwick, C. S. Devas) for regarding the separation between the subjunctive and imperative moods of Economics as futile and misleading. The attractiveness of modern economic treatises lies often in their relevancy to life. Even apart from a notable instance of the presentation of the theory of Economics side by side as a science and an art [1] the attraction of the *Wealth of Nations* continues to be seen in the combination. J. S. Mill did not disdain to indicate specifically in the very title of his great treatise its "applications to social philosophy." Considered in relation to such combinations and to Cameral treatises, the Indian position becomes intelligible and justifiable.

VĀRTĀ

Among the Indian *Vidyās* that which covers much of the ground of modern Economics is *Vārtā*.[2] Beginning originally as a science dealing with the economics of a primitive community, absorbed in pastoral and agricultural pursuits, it developed, in course of time and with the progress of society, into a study of the economics of industry and trade. A complete treatise on *Vārtā*, reconstructed from the fragments available in *Arthas'āstra* and *Dharmas'āstra*,

[1] F. A. Walker defined the aim of 'art' as practical and as indicated by the use of the imperative, and of science as normative and speculative and indicated by the indicative and subjunctive moods (*Political Economy*, 1896, pp. 19-20). C. S. Devas, *Political Economy*, (1892) remarks sarcastically "most economists have wit enough to know what practical results follow from their innocent looking indicatives" (p. 543).

[2] *Anct. Ind. Econ. Thought*, pp. 14-17; कृषिपाशुपाल्ये वार्ता; धान्यपशुहिरण्यकुप्यविष्टिप्रदानादौपकारिकी; तथा स्वपक्षं परपक्षं च वशीकरोति कोशदण्डाभ्याम्। (अर्थ. शा., p. 8)। अर्थानर्थौ तु वार्तयाम् (शुक्र., १, १५४); कुसीदकृषिवाणिज्यं गोरक्षा वार्तयोच्यते। संपन्नो वार्तया साधुर्न वृत्तेर्भयमृच्छति॥ (*Ibid.*, १५६).

will cover the whole field of Economics, with the exception of Consumption and Public Finance.

Scope of Artha

A similar difficulty is our inability to equate *Dhana* (wealth) with *Artha*. The subject matter of Economics is welfare as well as wealth. It is a man-centred rather than a wealth-centred science. By grouping sciences in relation to their aims, Indian thinkers escaped the fallacy of shifting the centre of interest in Economics from man to wealth. *Artha* comprehended every material object capable of satisfying a human want. In this sense, *Arthas'āstra* logically embraced more matter than Economics.[1] In relation to the parallel studies which focussed interest on *Dharma* as the end of life, *Arthas'āstra* constituted a combined group of social studies, in which the unity of human nature was reflected in a unity of scientific treatment. It may be noted that *Dharmas'āstra* and *Arthas'āstra* overlapped, the same topics having to be reviewed from different angles.

No Mercantilism in Ancient India

Dhanam and its synonyms present an up-to-date conception of 'economic goods,' capital or wealth. The implications of *Dhanam* in Indian thought are its material character, its capacity for enjoyment (consumption), its appropriability, and its transferability. It is an object of desire, is the source of further *Dhanam*, and represents the result of past accumulation. We come thus close to the modern conceptions of wealth and capital.

Modern students of Mercantilism, especially of its continental variety, have complained with reason of the unfair

[1] *Anc. Ind. Econ. Thought*, pp. 21-22.

treatment which the system received from Adam Smith. He attributed to it a "meanness and malignity" based on his own erroneous attribution to it of an unsound view identifying wealth with the precious metals. The misconception was helped because the tenets of Mercantilism passed through a period of active pamphleteering. With old Indian thinkers, such a misconception was impossible. At no time has Indian social thought laid an undue value on the precious metals. The monopoly in the trade in metals and the working of mines, advocated by Kauṭilya, has been sometimes regarded as showing this fallacy. But, those provisions are dictated solely by state or military needs.[1] The inhibitions on exports in the *Kauṭilīya* applies also to other metals than the precious.[2] The absorption of gold in India, which the Roman publicist lamented, was the effect of a concurrence.[3] In the absence of a sufficient number of articles of small bulk and high value, which the West could send over the great land routes in exchange for similar articles imported from India, the precious metals had to be exported by Rome. The monopolies of Kauṭilya are dictated only by military or fiscal needs.[4] In trade policy the old Indian economists do not attempt any regulations from a desire to discriminate on protectionist grounds, or on a wish to attract the precious metals.

ASCETIC TRENDS

In any society in which the interdependence of human and supernatural agencies is a generally accepted article of

[1] *Kauṭilya*, p. 85; cf. आकरप्रभवो कोशः कोशाद्दण्डः प्रजायते । पृथिवी कोशदण्डाभ्यां प्राप्यते कोशभूषणा ॥

[2] *Ibid.*, p. 111.

[3] Pliny, *Natural History*, VI, 23; Schoff, *Periplus of the Erythraean Sea*; *Anc. Ind. Econ. Thought*, p. 100.

[4] *Ancient Indian Polity*, p. 113.

belief, there is an ever-present risk of looking down upon material pursuits and glorifying the ascetic life which kills desire. In the earlier stages at least of social development, economic evolution depends on the growth of wants. If the Indian outlook was solely governed by its first and last objectives, namely 'enjoined duty' (*Dharma*) and emancipation (*mokṣa*), to the exclusion of the other two, material welfare (*artha*) and pleasure (*kāma*), the result might have been the creation of an ascetic and unprogressive society, absorbed in spiritual rather than material activity. The wearisome glorifications of riches, which we find in our *Arthas'āstra* and *Nītis'āstra*,[1] side by side with vivid representations of the cumulative evils of poverty—the bane of the poor being their poverty—are essentially attempts to correct such a tendency. They are not the outpourings of a vulgar mind.[2] Among *Arthas'āstra* writers, there is an extreme wing, the *Bārhaspatyas*, which stresses hedonistic motives at the expense of others.[3] If the doctrines of reincarnation and the permanence of action (*Saṁsāra* and *Karma*) which furnish the background to Indian belief generally, and consequently to Indian Sociology, had implied an unalterable law of predestination, the result would have been a paralysis of all economic effort. But *Karma* is conceived with two sides: the permanence of action is coupled with the freedom to correct the action of one life in another. Scope for Free Will exists within these limits. In order that this might not be overlooked,

1 क्षणशः कणशश्चैव विद्यामर्थं च साधयेत्। न त्याज्यौ तु क्षणकणौ नित्यं विद्याधनार्थिना॥ शुक्र. (३. १८६); अर्थमूलौ हि धर्मकामौ। अर्थ एव प्रधान इति कौटिल्यः (p. 7).

2 धर्मं च हरते तस्य धनं हरति यस्य सः (१३)। दारिद्र्यं पातकं लोकम् (२४); नाधनस्यास्ति अयं लोकः (२२); सर्वथा धनमाहार्यम् (२७)—शान्तिपर्व, ८.

3 Max Müller—*Six Systems of Indian Philosophy*, pp. 94-96; *Sarvadars'anasaṁgraha*, ed. Abhyankar, pp. 2-15.

the relative bearing on human life of the divine and human influence (*daiva* and *puruṣakāra*), as well as the importance of individual effort (*utthāna*) are pointedly stated by Indian thinkers in the political as in the economic field.[1] In the same way, the position and the powers of the king *i.e.*, the State, are magnified, but that of the individual is not overlooked. Every extension of the sphere of state action is justified by a specific purpose to be served by it.[2] The area of freedom left to the individual, after collectivist activities by the State, renders it impossible to characterize the Indian economic and political position as even an approach to socialism.[3]

I have illustrated elsewhere the comprehensive and accurate knowledge of the fundamental notions of economic science, implied in Indian literature.[4] They have been collected for illustration under the familiar captions of modern treatises. It will therefore be sufficient if we can now merely review the results, to enable us to arrive at an appreciation of the outlook.

The importance of a suitable physical environment for economic progress, and the ways in which defects in environment might be corrected by state or individual action, were

[1] *Kauṭilīya*, p. 258 (दैव); p. 37 (उत्थान); p. 39 (राज्ञो हि व्रतमुत्थानं; अनुत्थाने ध्रुवो नाश:; देशकालपुरुषकार—इत्यात्मसंपत्, p. 255); मनु, ८, २०५—सर्वं कर्मेदमायत्तं विधाने दैवमानुषे। तयोर्दैवमचिन्त्यं तु मानुषे विद्यते क्रिया ॥; याज्ञ., १, ३४९-३५१ ('एवं पुरुषकारेण विना दैवं न सिद्ध्यति') and *Rājanītiprakāśa*, 1916, pp. 312-415.

[2] See quotations in *Anc. Ind. Econ. Thought*, pp. 177.

[3] त्र्यः स्वतन्त्राः लोकेऽस्मिन् राजाचार्यस्तथैव च।
प्रतिवर्णश्च सर्वेषां वर्णानां स्वे गृहे गृही ॥

(नारदस्मृति, ४, ३२); शुक्र, १, ३०१-३०५ mentions only restriction of freedom to commit crimes. See Fa Hien in Beal's *Si-yu-ki*, 1907, p. XXXVII.

[4] *Anc. Ind. Econ. Thought*, pp. 150-153. (अर्थ. शा. p. 47).

clear to Indian writers.[1] In this respect they responded to the same kind of stimuli as the German Cameralists. Drainage and irrigation are forced on the attention of practical economists in river-drained areas, which are liable to periodical rains and seasonal vicissitudes. It is necessary that excess water should be got rid of, and water required for agriculture should be made available when required. The construction of great works of irrigation and drainage, including reservoirs, embankments and distributive channels, was an economic necessity. The protection of these works was enforced by the law and their provision by appeals to the piety or credulity of the people. The destruction of irrigation works was made a grave offence.[2] Their maintenance in efficient repair was a first duty laid upon the village communities and on the agents of the central government. In order that the work might be efficiently done, a provision like the *corvee*, which was devised for maintaining means of communication, existed in ancient India in the compulsory labour (*viṣṭi*), to which even those without property had to contribute.[3] The institution has survived till today as *veṭṭi*. Even the cattle and servants of temples and of privileged persons and bodies could be impressed on so important a common purpose.[4]

[1] अन्येषां वा बध्नतां भूमिमार्गवृक्षोपकरणानुग्रहं सहोदकमाहार्योदकं वा सेतुं बन्धयेत्।

[2] उदकधारणं सेतुं वा भिन्दत तत्रैव निमज्जनम् । अनुदकमुत्तमसाहसदण्डः । (अर्थ. शा., p. 227) see also मनु, ९, २७९, २९१, याज्ञ., २, २७८. The digests quote more authorities.

[3] संभूय सेतुबन्धादप्रकामतः कर्मकरबलीवर्दाः कर्म कुर्युः । व्ययकर्मणि च भागी स्यात् । न चांशं लभेत । (अर्थ. शा., p. 47) ; दण्डविष्टिकराबाधैः रक्षेदुपहतां कृषिम् (*Ibid.*, p. 48) ; *viṣṭi*, forced labour, was to receive wages at 60 *paṇas*, a month (*Ibid.*, p. 246) ; see also *Ibid.*, pp. 169-170.

[4] पुण्यस्थानारामाणां च (अर्थ. शा., p. 47).

In the same manner man's dependence on animal husbandry is responsible for the rules, combining piety and business, eulogizing the rearing and humane treatment of cattle (*gorakṣaṇa*), for the provision of pasture lands,[1] and for the imposition of the highest punishment in the Mauryan penal code, short of death, on the cattle-raider.[2]

Social Postulates

Among the social postulates of Indian thought, those which had a direct economic bearing are the inculcation of the necessity of *Varṇāśramadharma* in society and of individual freedom and property. The organization of an entire people by a system, which divided and subdivided them into hereditary functional groups, has two economic implications: *viz.* (1) the organic unity of all functions and activities as well as their interdependence both in the individual and in the community, and (2) the value of discipline for ordered social life. The *Varṇāśramadharma* system has to be viewed as economic planning on a vast scale, crossing political and geographical boundaries. Apart from any question of its beneficial or baneful effects on society as a whole or on its component elements, such colossal planning may be construed as a sign of remarkable prevision and courage in our ancient thinkers, who utilized or developed the system even if they did not create it.[3]

Origin of the State

The dependence of man on political union, for his economic progress, is enforced by theories of the origin of

[1] उपनिवेशदिग्भागे गोप्रचारान् बलान्वयते वा गवां रक्षासामर्थ्याच्च (अर्थ. शा., p. 131)

[2] स्वयं हन्ता घातयिता हर्ता हारयिता च वध्यः (*Ibid.*, p. 129).

[3] *Anct. Ind. Econ. Thought*, pp. 68-70.

the State in contract or in divine creation. In actual economic life, the implications of the theory were twofold. From the standpoint of the individual, it meant the mortgaging of all his effects to the State and the enforcement of the right of the State to do all that was necessary to stabilize itself at the expense of individuals; and from the standpoint of the State they amounted to the acceptance of the obligation to give adequate protection to normal economic activity, within and without the community. The contract theories necessarily involve a low view of human nature, as the natural depravity of man is believed to have necessitated political union and the creation of a penal law to enforce the right of individual property, which is assumed to have existed before the birth of the State. The regulation of private life, the enforcement of caste and communal rules, and the inculcation of lessons of discipline, morality and hygiene are corollaries to the hypothesis of the State's paramountcy.[1]

LIBERTY

To the conception of individual freedom, we owe the protection of free economic activity by well-developed principles of contract. In the ancient Indian State, the individual had freedom to do everything which the State did not interdict in the interests of its own safety or of that of other individuals. Our social writers insist on the right of self-realization (*Svātantrya*) and unfettered freedom of action (*Svacchanda-vṛtti*) as necessary for normal human development.[2]

Freedom, however, was not an absolute but a relative term.[3] It had to be viewed, from the standpoint of the

[1] *Ibid.*, pp. 44-50.

[2] स्वच्छन्दवृत्तिः पुरुषाणां परमं रसायनम् (नीतिवाक्यामृत).

[3] *Karma* implies individual responsibility and therefore freedom of action.

restraint implied as well as of the liberties actually enjoyed. So viewed, every one had *some* degree of freedom, including those usually treated as not free, such as minors, slaves and women.[1] This conception made it possible to put forward progressive measures of economic and social uplift and advocate the co-operation which was necessary in the spiritual no less than in the material fields. The self-respect of women, in spite of their relative physical disability, was recognized by their right to work.[2] The civil, penal and poor laws took account of the sex differences.[3] As caste ensures to every one an occupation by birth, so marriage provided a normal career to every woman. The right of the married woman to her separate estate was safeguarded.[4] The family was understood to hinge on its women. They were the goddesses of the home and the givers of food.[5] Similarly the inefficiency incidental to slave labour is corrected by giving

[1] See Jolly, *History of Hindu Law*, 1880, Lect. 4, and his *Hindu Law and Custom*, pp. 166-176.

[2] See अर्थ. शा., p. 114. Kauṭilya's delicacy is shown by his rule that the lights kept in workshops for indigent women should be shaded to meet their natural bashfulness ; the lights are for the inspection of yarn alone—सूत्रपरीक्षार्थमात्रः प्रदीपः (p. 114).

[3] The personal attendance in a court of respectable women was not insisted on ; a woman's rights are not lost by limitation (Manu, VIII, 149) ; pregnant women were immune from sentence of capital punishment, even in cases of poisoning, murder of child and incendiarinism (Yājñavalkya, II, 279), Kātyāyana rules that in all offences women should be sentenced only to half the fine payable by men, and should only suffer mutilation where the penalty for men is death : सर्वेषु चापराधेषु पुंसो योऽर्थदमः स्मृतः। तदर्धं योषितो दद्युर्वधे पुंसोऽङ्गकर्तनम् ॥ (Kane's ed., V, 487) Kauṭilya allows a wife to sue her husband for assault and defamation (p. 154).

[4] The laws of *strīdhana* were elaborated to secure her absolute control. *Kātyāyana smṛti* is fullest on the topic (vv. 894-916, ed. Kane).

[5] श्रिय एताः स्त्रियो नाम सत्कार्या भूतिमिच्छता। पालिता निगृहीता च श्रीः स्त्री भवति भारत ॥ (आनुशासनपर्व, ४६, १५).

the slave a legal status, carrying with it the judicial protection of his person and property, and holding out to him the assurance of considerate treatment and the hope of emancipation.[1] Kauṭilya declared that no Aryan could be a slave.[2]

PROPERTY—ITS LIMITATIONS

The economic basis of property rights in chattels and land was virtually the same. Opinion was divided on the question of the existence of the right of private property in land. The controversy is unnecessary and pointless, and is similar to that on the nature of the modern Indian land revenue. In the last resort, the State had the right, in the interests of society as a whole and of the individual proprietors as members of the society, to commandeer private resources and to exact such contributions from property and income as are necessary for *state* needs. In all productive undertakings, the community as represented by the State is a sleeping partner. In this view of the State, private property is not inconsistent with the contributions made to the State as a *co-owner.*[3] This theory which was first suggested by Dr. Marshall in regard to land, will equally explain the position of the Indian jurist, who denied the creditor's right to interest, where a valuable pledge was used, and who varied the rate of interest in proportion to the risks of investment and its profits.

To the *Arthas'āstra*, questions of production and exchange made a bigger appeal than those of distribution and consumption, on which the 'Dharma' works laid greater emphasis. All our ancient thought accepts, in different degrees, the

[1] Kauṭilya gives an entire chapter to slaves (*dāsakalpaḥ*, pp. 181-184).

[2] न तु आर्यस्य दासभावः (p. 181).

[3] *Anc. Ind. Econ. Thought*, pp. 56-58.

[4] *Ibid.*, pp. 67-68.

psycho-physical parallelism and relationship. Wealth exists for consumption. Material and moral influences react on one another. Accordingly, *Dharmas'āstra* condemns heresy and asceticism, on the ground of their being opposed to the accepted religious and social order, and it commends the institutions of marriage and family. *Arthas'āstra* supports these views on the ground of the good of the State. Beggars and social parasites are condemned by the latter on economic and political grounds, while from the standpoint of *Dharma*, mendicancy is a very restricted privilege normally available only to students and ascetics. The conception of material welfare and enjoyment (*Artha*, *Kāma*) are transfused and sublimated by ideas of social service and spiritual uplift. The group is regarded as of more importance than the individuals composing it, and the interests of the group over-ride those of its members. The group, whether the family, corporative, clan or the State, is alone the proper judge of what is necessary for its life and stability.[1]

The economic unit is the family. Kinship, by blood or by fiction, determines legal rights to maintenance and inheritance. The solidarity of the family is supported by the rule, accepted by Kauṭilya, that sons cannot call for a partition of ancestral property, so long as *both* parents are alive.[2] This is a reversal of the earlier *Dharmas'āstra* view (as enunciated by Āpastamba, Gautama and Baudhāyana) which allowed such partition.[3] In regard to the son's own

[1] *Ibid.*, pp. 67-68.

[2] अनीश्वराः पितृमन्तः स्थितपितृमातृकाः पुत्राः । तेषामूर्ध्वं पितृतो दायविभागः (अर्थ. शा., pp. 160) Manu, IX, 104, takes the same view : Yājñavalkya (II, 17) allows it after the father's death ; S'ukra (IV, 5, 546) concurs in this view.

[3] निवृत्ते रजसि मातुः जीवति वेच्छति (गौतम, २८, २) ; on this Maskari comments इच्छा च पितुः पुत्राणाम् ; See Āpastamba, 13, 1-3 ; Baudhâyana, II, 2, 3. 3.

earnings or professional gains, the other members of the family have no claim to it, unless, as S'ukra points out, the gains have been due to the utilization of family property.[1] The refusal to divide up the family inheritance unnecessarily, and the enfranchisement of individual earnings simultaneously, should be reconciled on the economic ground of supporting what contributes most to productivity. The general poverty of the people made it an advantage to keep the family property undivided. The control of the family by a single head conserves its unity and strength; the family circle furnishes training in discipline and self-sacrifice; and it leads to the natural selection for learning or special training of only those who are likely to succeed and help the family. The joint family is an automatic poor-relief institution. It does not destroy initiative or individuality, but furnishes to junior members every inducement to industry and self-reliance. They are the grounds on which there is unanimity among our writers from the time of Kauṭilya downwards, in supporting the united family. In regard to self-acquisitions divergence of views persisted. *Mitākṣara* and the late smṛti of *S'aṅkha*, followed Vasiṣṭha in throwing self-acquisition into the common mess and Jīmūtavāhana upheld the *Arthas'āstra* view.[2] Kauṭilya's liberal view must have been dictated by the economic needs of a period of commercial expansion. It is on a par with his refusal to allow the liability for suretyship[3] and trade debts of a deceased father to devolve upon

[1] पितृद्रव्याणां स्वयमार्जितमविभाज्यम् । अन्यत्र पितृद्रव्यादुत्थितेभ्यः (अर्थ. शा., p. 160); शुक्र, ४, ५, १५०—पित्रादिधनसम्बन्धहीनं यद्यदुपार्जितम् येन । यः काममश्नीयात् अविभाज्यं धनं हि तत् ॥

[2] See *Mitākṣarā* (Nirṇayasāgara edn., pp. 204-205), *Dāyabhāga* (p. 190, citing Bālaka) and *S'aṅkha* in *Mitākṣarā*.

[3] प्रतिभाव्यदण्डः . . . नाकामः पुत्रो दायादो वा रिक्थहरो दद्यात् (अर्थ. शा. १८९)

the son. The joint family and the village community kept together Hindu society and ideals during centuries of confusion.

An analogous and apparent contradiction is visible in the simultaneous condemnation of the prodigal who wastes his substance,[1] and the miser who withdraws capital from use. Expenditure for mere ostentation is condemned. The substitution of a social criterion for distinction instead of wealth, tended to make the display of mere luxury, vulgar and unpopular. The Indian Cameralist did not share the fallacy that the luxury of the rich creates a demand for the labour of the poor. Nevertheless, the standards of life were not low,[2] but glaring inequalities of wealth by wasteful luxury were reprehended.[3] S'ukra stresses the responsibilities of affluence, and (anticipating the 19th century socialist) notes that the sources of large fortunes are often to be sought in deception and injustice. Property is theft.

The inculcation of thrift is enforced by ennobling the position of the housewife, commending her education and making her responsible for the maintenance of domestic accounts and framing the family budget.[4]

LAND

Among the agents and instruments of production, it is natural that land should appear the most important, as it supported the bulk of the people. The profession of agriculture was open even to Brāhmaṇas.[5] Land revenue was

[1] व्ययाधिक (prodigal) is to be banished (*S'ukra*, IV, 1, 101).

[2] *Anct. Ind. Econ. Thought*, pp. 72-74.

[3] *Ibid.*, pp. 72 74 ff.

[4] *Ibid.*, pp. 186-7 : अर्थस्य सङ्ग्रहे चैनां व्यये चैव नियोजयेत् (मनु, १०. ११); कामसूत्र, pp. 238 ff.

[5] Manu, X, 82; Gautama, VII, 7; Yājñavalkya, III, 35 and Nārada, I, 56-60.

the chief source of State income. Consequently the interest of the State and of the subject coincided in the prosperity of agriculture by the promulgation of wise agricultural laws. Somadeva commends agricultural relief to distressed cultivators.[1] The destruction of standing crops by cattle makes the owner liable for the damage.[2] Even in war, the agricultural population in one's own territory is to be left[3] undisturbed. The enfranchisement of the S'ūdra from all but economic duties, set him free to devote himself entirely to productive work.[4] The dubious rule in the *Mahābhārata* that the invader is to destroy standing crops and grain stores of the enemy is,[5] if genuine, the suggestions of an exceptional method of coercion and is contrary to the testimony of Megasthenes and the spirit of *Arthas'āstra*, which views in an enemy territory potential future acquisitions, and avoids provocation to retaliation. Even troops are to be moved so as not to disturb agriculture.[6]

Centuries of experience had brought agriculture to a high degree of technical perfection. Remedies for soil exhaustion, the use of the fallow and rotation of crops, as well as manures

[1] अव्यसनेन क्षीणधनान् मूलधनप्रधानेन कुटुम्बिन: प्रतिसम्भावयेत् (नीति-वाक्या. १७, ५३).

[2] गौतम, १२, १९-२६ ; याज्ञवल्क्य, २, १५९ मनु, ८, २४१, नारद, १४, २८-२१ and कौटिलीय, पृ. १७२.

[3] अग्निपुराण, २३६, २२-२३.

[4] The S'ūdra's time is not taken up by religious duties, and his boyhood by *Brahmacarya*.

[5] कच्चिल्लवं च मुष्टिं च परराष्ट्रे परन्तप ।
अविहाय महाराज निहंसि समरे रिपून् ॥ (सभापर्व, ५, ६८)

[6] लवनकाले सेनाप्रचारो दुर्भिक्षमावहति (नीतिवाक्य., १९, १६); सस्यानां परिपक्वानां समये यो महीपति: । सैन्यं प्रचारयेत्तस्य दुर्भिक्षं करोति स: (शुक्र.)

and fertilizers, the cultivation of special crops on special soils and the extension of different types of irrigation reflect this.[1] The State helps by judicious laws protecting the villager from distraction by prohibiting parasites, soldiers and the underlings of government from entering villages.[2] Enforcing on the village as a whole the obligation to co-operate in joint works,[3] the provision of rules of pre-emption compelling the sale of village lands only to villagers, the legal protection given to agriculturists from arrest during the cultivation seasons and to agricultural implements from distraint for debt,[4] and the strengthening of the village communities by arming them with considerable powers of self-government are all proofs of the solicitude of the State for agricultural welfare. The chief public works undertaken by the State or by private individuals, who received commendation or subsidy, were mainly irrigation works and roads.[5] The magic of property is recognized.[6] Fragmentation of holdings is discouraged by the rules of pre-emption.[7] Absentee ownership of land is penalized,[8] while the

[1] *Anc. Ind. Econ. Thought*, pp. 78-79.

[2] *Ibid.*, p. 80 and p. 187; नटनर्तनगायनवादनवाग्जीवनकुशीलवा वा न कर्मविघ्नं कुर्युः निराश्रयत्वात् ग्रामाणाम् (अर्थ. शा., p. 48.)

[3] See note 3 on p. 135.

[4] Nārada, 18, 101—यच्च यस्योपकरणं येन जीवन्तिकारव: । सर्वस्वहरणेप्येतान् न राजा हर्तुयहीति ॥ 'सर्वस्वहरणमसाधरणं, यद्यस्य जीवनोपकरणं इति रिक्तविषयम् (व्यवहारप्रकाश, p. 724.)

[5] आकरकमन्तिद्रव्यहस्तिवनव्रजवणिक्पथप्रचारान् वारिस्थलपथपण्यपत्तनानि च निवेशयेत् । (अर्थ. शा., p.47).

[6] *Anc. Ind. Econ. Thought*, pp. 80-81.

[7] ज्ञातिसामन्तधनिका क्रमेण भूमिपरिग्रहान् क्रेतुमभ्याभवेयु: (अर्थ. शा., p. 168.)

[8] अकृषतामाच्छिद्यान्येभ्य: प्रयच्छेत् (*Ibid.*, p. 47).

reclamation of waste is encouraged.[1] A beneficial interest is created by law for the person who reclaims land.[2] Rent is viewed as arising from situation and accessibility, and as not due to mere difference of productivity.[3] On this ground, the opening of the country by roads is enjoined on economic, police and military grounds. The resemblance of the income of mines,[4] forests [5] and quarries to rent is noticed and their exhaustibility leads to the collections of royalty from them, and not true rent.

LABOUR

Next to land, labour receives the most attention. Arthaśāstra assumes an implied partnership between the labourer and the undertaker. The partnership idea runs through the rules for compensating the workman for breach of contract by the employer. That wages ultimately come out of produce is understood.[6] Wages are to be proportioned to responsibility and work; a rule which applies to dignified work.[7] The

[1] अकृतानि कर्तृभ्यो नादेयात् (*Ibid.*, p. 47).

[2] निवेशसमकालं यथागतकं वा परिहारं दद्यात् (*Ibid.*, p. 47).

[3] *Ibid.*, p. 298 and *Anc. Ind. Econ. Thought*, pp. 105-106.

[4] *Kauṭilīya*, p. 47 and pp. 86-87.

[5] *Ibid.*, pp. 48-49.

[6] 'उपस्थितमकारयत: कृतमेव विद्यात्' इति आचार्या: । 'न' इति कौटिल्य: । कृतस्य वेतनं नाकृतस्य । न चेदल्पमपि कारयित्वा न कारयेत्, कृतमेवास्य विद्यात् (अर्थ. शा p. 181).

[7] राजकर्मसु युक्तानां स्त्रीणां प्रेष्यजनस्य च । प्रत्यहं कल्पयेद्वृत्तिं स्थानक्रियानुरूपत: ॥ (मनु, ८, १२५) ; 'स्थानं' प्रधानं नियोग: शय्यारक्षादि, 'कर्म' शरीरव्यापार: तदनुरूपेण वृत्ति: देया । प्रधाने स्थाने स्वल्पेऽपि कर्मणि महती वृत्तिर्निकृष्टे, स्थाने महत्यपि कर्मणि स्वल्पेत्येतदुभयानुरूपम् (मेधातिथि:). The principle is applied to wages for every kind of work. Kauṭilya (p. 183) bases it on the 'work' or 'duty' (which includes responsibility also)—कर्मकालानुरूपसंभाषितं वेतनम् ।

right of association for workmen is conceded. The S'ūdra labourer, according to even *Manusmṛti* can do no wrong, can commit no sin, can take up any duty and can have no religious obligation (X, 126). Certain kinds of work which are necessary to society, such as those of domestic servants, artisans, physicians and public servants, protect their members from ceremonial impurity. While Kauṭilya will allow labour-saving machinery, *e.g.*, wind-mills, to be used, *Manusmṛti* condemns the substitution of machinery for manual labour (X, 63-66),[1] almost in the spirit of Ruskin. But, the old sacerdotal prejudice persists, and certain types of work like metal work continue to be considered impure. (Kauṭilya).[2] Among impure types of labour stand many which have to be segregated for hygienic reasons.[3] The right to compensation and specific performance is conceded to both the labourer and the employer.[4] The division of labour, its organization and education, are in the very spirit of the Caste system. The localization of industry is provided for in schemes of town-planning. Reciprocal services between town and country are ensured by forming suburbs of skilled workmen of the same caste. An increase in population is to be secured by the encouragement of marriages at suitable ages[5] and by the

[1] सर्वाकारेष्वधीकारो महायन्त्रप्रवनर्तम् । आत्मार्थं तु क्रियारम्भो . . . नास्तिक्यं चोपपातकम् ॥ (मनु, १०, ६३-६६).

[2] अशुचयोऽपि कारव: (अर्थ. शा. p. 180).

[3] See the directions of Kauṭilya (pp. 55-56) for the location of different persons in a fortified town ; as also the segregation of *Caṇḍālas* etc.

[4] अर्थ. शा., pp. 185-186.

[5] Kauṭilya's age of majority is 16 for men and 12 for girls ; Jayaswal (p. 225) notes that these ages are lower than those recommended by Manu for marriage (30 and 12) and must have been aimed at increase of population.

prohibition of asceticism and vagrancy,[1] by inducements to immigration, by considerate treatment of cultivators and tradesmen,[2] and by the provision of the most ample security of person and property to every one. Rules of hygiene and sanitation,[3] which are better developed by the European Cameralists, are no less attractive to the Indian thinker, the aim in both cases being to preserve the numerical strength, health and stamina of the population.

The justification of interest was a secular movement in Europe, which was forced on the Church. Colvin roused a storm by declaring in 1545 that the Scriptures did not condemn usury. In India it was not so. The prejudice against lending out money does not infect writers like Kauṭilya, who realize the nature and necessity of capital in production.[4] The attempt to restrict the rate of interest by artificial prohibitions is made only in two ways, neither of which offends against the interests of the State. The first is to prohibit the accumulated interest exceeding twice or thrice the principal by declaring the excess to be unrecoverable.[5]

[1] पुत्रदारमप्रतिविधाय प्रव्रजत: पूर्वस्साहसदण्डः स्त्रियं च प्रव्रजायत: । लुप्तव्यवाय: प्रव्रजेदाापृच्छ्य धर्मस्थान् । अन्यथा नियम्येत । वानप्रस्थादन्य: प्रव्रजित: नास्य जनपद-मुपनिवेशयेत् (अर्थ. शा., p. 48) ॥ विना कुटुम्बभरणात्तपोविद्यार्थिनं सदा । तृणकाष्ठादि-हरणे शक्तस्सन् भैक्ष्यभोजक:—राष्ट्राद्विवासयेत् (शुक्र, ४, १, १०५, १०८)

[2] See *Kauṭilya*, p, 47 (cultivators) pp. 98-99 (tradesmen).

[3] See Kauṭilya's rules for sanitary house construction (pp. 166-7). Dr. Bhagavan Das (*Laws of Manu*, p. 234) considers rules of impurity (*as'auca*) for birth and death as inspired by the wish for segregation against the spread of infectious disease. See *Anc. Ind. Econ. Thought*, pp. 84-88.

[4] राजन्ययोगक्षेमवहेतु धनिकधारणिकयोः चारित्रमपेक्षेत । धान्यवृद्धिः सस्यनिष्पत्तौ उपार्धवरं मूल्यकृता वर्धेत । (अर्थ. शा. p. 174) ; See याज्ञ. २. ६१ ; गजेन गज-बन्धनमिव अर्थेनार्थोपार्जनम् (नीतिवा, p. 119); शान्तिपर्व, ८, २०—अर्थैरर्थानि बध्यन्ते गजैरिव महागजा:.

[5] कुसीदवृद्धिर्द्वैगुण्यं नात्येति सकृदाहृता (मनु, ८, १५१) :

S'ukra allows capital to be quadrupled.[1] The other is the gradation in proportion to the social services of the borrowers, *i.e.*, virtually the credit of the borrowers, by varying the rates with the caste of the borrowers.[2]

MONEY ECONOMY

In the days of the Indian Cameralists money had come into general use. Judicial fines are in money. Compensations are exacted in money. Public servants are paid in cash. Taxes are paid in money. But as the cash transactions might lead to impulsive extravagance, the option of commuting by grain payments in money and the use of barter are allowed.[3]

Adam Smith represents the European Cameral view in enumerating among the causes of the slow progress of opulence the absence of stock and capital, the existence of a weak government, which is unable to provide security of person and property, oppressive fiscal measures in agriculture and commerce, and a government suffering from a war-fever. He condemns the throwing of large parcels of land into single ownership, as likely to impede agriculture. He shrewdly points out that taxation in kind must depress agriculture because "a dimunition of produce seldom hurts a tenant, who pays his rent in money, as the price of corn rises in proportion of its security."[4] Such views are reflected in the economic precepts of *Arthas'āstra*. Security is conceived as both by

[1] यदा चतुर्गुणा वृद्धिः गृहीता धनिकेन च ।
अधमर्णाच्च दातव्यं धनिने तु धनं तदा ॥ (शुक्र, ५, ८६).

[2] *Manusmṛti*, VIII, 142; *Nārada*, I, 100. The rule applies only to unsecured debts. *Viṣṇusmṛti* (VI, 3) rejects *caste* rates.

[3] Barter (*pratipaṇya*) is alluded to by Kauṭilya (p. 59).

[4] *Lectures*, p. 232.

the State and against its agents. Under the wise economic provisions of Indian Cameralism, an economy was realized, "not materially different from the modern in basing welfare on a type of expenditure free from ostentation and just sufficient for the efficient lives of the workers, and the realization of the value of leisure and rest, and on the conviction of the excellence of a moderate income obtained by moderate work."[1]

In the field of exchange, the main contribution of the Indian Cameralist is the interplay of scarcity and utility and the influence of the time factor in the determination of value.[2] He is modern in understanding the effects of the law of demand, and in his analysis of retail prices.[3] The difference between absolute and relative prices is known to him and is frequently expressed, but unfortunately in terms which prevent their statistical utilization. Markets and reasonable freedom for higgling are to be provided by the State. The seller is thought as able to look after his interests much better than the buyer. The cynical view is occasionally expressed that the trader is an undetected rogue.[4] A rule of Kauṭilya is the

[1] *Anct. Ind. Econ. Thought*, p. 89.

[2] *Ibid.*, pp. 91-92. S'ukra's 'Law of Value' is—

सुलभासुलभत्वाच्चागुणत्वागुणसंश्रयैः ।
यथा कामात्पदार्थानामर्घं हीनाधिकं भवेत् ॥

[3] क्रयविक्रयमध्वानं भक्तं च सपरिव्ययम् ।
योगक्षेमं च संप्रेक्ष्य वणिजो दापयेत्करान् ॥ (मनु, ७, १२८);
आगमं निगमं स्थानं तथा वृद्धिक्षयावुभौ । विचार्य सर्वपण्यानां कारयेत् क्रयविक्रयौ ॥ (मनु, ८, ४०१).

[4] प्रकाशवञ्चकास्तेषां नानापण्योपजीविनः ।
प्रच्छन्नवञ्चकास्त्वेते ये स्तेनाटविकादयः ॥ (मनु, ९, २५८). The profiteer is rated in manifest guilt above the robber!

one which compels all sales to be made in the market and which prohibits sales of articles in or near their respective places of production.[1] The reason for the rule has to be surmised. It was probably a measure of police precaution against the sale of stolen property and an executive arrangement against forestalling by traders. Possibly, the rule had its use also as a legal precaution to reduce the occasion for litigation, by compelling all sales to be open and to be conducted before official witnesses. The view of the Indian, as of the European, Cameralist is that it is the duty of the State to produce "cheapness and plenty." This would appear to be more in the interest of the consumer than that of the producer, and to be unworkable in famines. The accumulation of vast stores of grain and food stuff in different parts of the kingdom, as well as other consumable articles in seasons of plenty, and the periodical replenishment of these stores, together with the entry of the State in the field of agricultural trade, were obviously to give the State the effective power to stabilize prices in abnormal as in normal times.[2]

Foreign trade[3] is to be encouraged by the considerate treatment of the alien merchant. Trade was free. The money tolls and duties are levied solely for fiscal purposes and not for protection. Like modern States, the ancient Indian kingdoms were advised to search for avenues for the expansion

[1] जातभूमिषु च पण्यानामविक्रयः । (अर्थ. शा., p. 113). Fines varying with the articles sold are to be imposed on the forbidden scales.

[2] धान्यानां सङ्ग्रहः कार्यो वत्सत्रस्यपूर्तिदः ।
तत्तत्काले स्वराष्ट्रार्थे नृपेणात्महिताय च ॥ (शुक्र. ४, २, २५) ; Kauṭilya wants not only grain but *all* necessaries of life to be kept in 'reserves'—ततोऽर्धमापदर्थे जानपदानां स्थापयेत् । अर्धमुपयुञ्जीत । नवेनानवं शोधयेत् (p. 95)

[3] For Cameralist views of Becher and Obrecht on Foreign Trade see *Small*, pp. 127-9 and p. 53.

of their trade in foreign countries and to collect trade information by the establishment of trade agencies, open and secret, in foreign States. Marine trade is to be helped by specific rules of salvage and of help to ship-wrecked sailors.[1] Disputes between foreign traders and local merchants gave rise to the application of rules of equity to the settlement of such disputes, resulting in the creation, as in ancient Rome, of a *jus naturale* to form the nucleus of private international law.[2] The provision of free coinage, the facilities provided for banking and credit, and the recognition of corporations which dealt with them, are other devices for the encouragement of interstatal trade. The existence of such economic amenities was necessary in times when political supremacy was to be established without resort to war, by a battle of wits and the application of a complicated and tortuous diplomacy.

In the field of economic distribution also, the Indian Cameralist displays a sound perception of fundamental laws.[3] The Cameral bias is apparent in several directions. Economic inequality and friction, resulting from the existence side by side of extremes of wealth and poverty, could hardly arise in a society planned on the Indian lines. Wealth furnished no ground for ostentation, and poverty with the distinction accompanying great social service, when illustrated in the life of the teachers and defenders of the nation (Brāhmaṇa and

[1] जलतस्करराजाग्निव्यसने समुपस्थिते । यस्तु स्वशक्त्या संरक्षेत्तस्यांशो दशमः स्मृतः ॥ (शुक्र., ४, ५, ३०१) Also, pp. 126-128 of the *Kauṭilīya*. मूढवाताहतां (नावाध्यक्षः) पितेवानुगृह्णीयात् (p. 126) ; piracy to be put down, हिंस्रिका निर्घातयेत्. अनभियोगश्चार्थेष्वागन्तूनाम् । अन्यत्र सभ्योपकारिभ्यः (अर्थ. शा., p. 98.)

[2] *Anct. Ind. Econ. Thought*, p. 105.

[3] A bride had to be given away with jewellery which constituted her *Strīdhana*.

Kṣatriya) was deprived of its sting. The joint-family rendered even apparent opulence ineffective to secure luxurious standards of life, as the family income was distributed among all who had claims on it. Hoarding could not have been easy with family calls, obligatory religious expenditure, and the custom of providing jewellery to women as an indirect provision for the maintenance of portionless daughters,[1] who inherited a mother's personal effects in preference to their brothers.[2] The contribution of Indian Cameralism to the ethical theory of distribution was the idea that State and Society were partners in all productive undertakings, and were therefore entitled to share the national dividend between them, and that every member of the community was entitled to be remunerated in accordance with his services and his needs. The treatment of land taxation shows a grasp of the above principle as well as of the incidence of a tax on monopoly.[3] The wages of agricultural labourers are fixed by law, and their tenure is protected by the State. Violent changes in the prices of agricultural produce could not have been possible, when the State had permanent reserves of goods for maintaining price levels. The rent of land is justly regarded as due to its productivity and scarcity, and the tax on rent therefore is made to fall on the owners of land. It is only in the analysis of profits, and in the determination of "just" profits that one recognizes theoretical weakness in Indian Cameralism.

[1] स्त्रीधनं दुहितॄणामप्रत्तानामप्रतिष्ठानां च (गौतम, २८, २२).

[2] *Anct. Ind. Econ. Thought*, pp. 105-106.

[3] Sukra, II, 403-404.

अवश्यपोष्यवर्गस्य भरणं भृतकाद्भवेत् ।
तथा भृतिस्तु संयोज्या तद्योग्या भृतकाय वै ॥
ये भृत्या हीनभृतिकाश्शत्रवस्ते स्वयंकृताः ।
परस्य साधकास्ते तु छिद्रकोशप्रजाहराः ॥

It is all the more singular in view of the large-scale enterprises which the State itself conducted through departmental agency. While the State is enjoined by S'ukra to realize the false economy of low wages,[1] and to guarantee both for its servants and the servants of others suitable accident and provident benefits,[1] the failure of western Cameralists to recognize the value of brains in constructive speculation, and of intelligent economic anticipation in the production of wealth and in the stabilization of demand and supply, indicates a limit to their vision imposed by inadequate experience and political obsessions.

[1] See the long passage in S'ukra (II, 408-417) on amenities to labour, maximum hours of work, holidays, provident benefits, etc.

VI

PROVINCE OF THE STATE—PUBLIC FINANCE

In no branch of public economy is the interplay of political, economic and moral ideas or motives, which is characteristic of Cameral treatment, more conspicuous than in that which deals with the sphere of the State and Public Finance. The growth of specialization had not only led to the separation, as independent units, of the divisions of knowledge, but it had encouraged further sub-divisions. Such specialization was valued because it promoted or facilitated intensive study. But it was defective in one respect. It overlooked the interdependence of human motives and actions, and rendered the conclusions of the highly specialized divisions of social science increasingly remote from the actualities of life, and therefore of little use in interpreting them.

The aims of the Ancient Indian States like those of the modern, are incapable of description by simple expressions like individualistic, collectivist, paternal, etc. Such terms are more useful in indicating aspects of State outlook than their aggregation. In Germany, in the undeveloped conditions of scientific differentiation of the seventeenth and eighteenth centuries, and with a special outlook and practical bias, Cameralists did not realize the need to separate political, economical and ethical considerations from one another. This

was also the position of those who have been styled Indian Cameralists, with a difference *viz.*, that with them the treatment of the elements of social action as frankly interdependent was a deliberate and logical result of their hypotheses. The basic assumptions of the Indian social thinker, in the field of Politics and Economics, were that political and social union are necessary and should be maintained, that by its activities, the State should not only aim at the realization of the ideals of Dharma but strive for permanent and harmonious co-ordination between the government and the people.[1] From the assumption of the necessity of the State certain corollaries follow. The theories explaining the State's origin in a Social Compact or in a Divine Creation appear to make the State absolute, and independent of any question of its authority or the capricious exercise of its will. But other implications of these theories qualify State Absolutism and tend to place it within constitutional limits. As no divine creation can be for a sinful purpose, and as the King, as personifying the State, was created to end social disorder or anarchy, it follows that the King exists *solely* for protection, and that the subjects are bound to obey and support the King. A contract is bi-lateral. The terms of the agreement restrict the freedom of both parties to the agreement. The moral validity of the contract springs from its spontaneous and voluntary character. Accordingly, the payment of taxes is voluntary, and the subject can withdraw himself from the obligation to pay the tax by transferring his allegiance to another State. The tax is a payment for a definite service rendered to the subjects by the king, namely 'protection'. No protection, no tax. The flank of absolutism is thus turned, and the king is reminded that even an absolute

[1] See *supra* Lecture II.

monarch is only a paid public *servant*, dependent on his punctilious performance of allotted duties for the due payment of his wage (*vetana*).[1]

From the Cameral standpoint, Political Society requires an organization and machinery to fulfil its purposes. Such an organization needs paid military and police forces to maintain its authority and to preserve order, law and courts to regulate the relations of subjects and revenues to enable these institutions to be maintained. This is the ground for Adam Smith's division of the subjects of Law and Government as four, *viz.*, justice, police, revenue and arms.[2]

It is difficult to condense the aims of the State, as conceived by Indian Cameral writers, in a few sentences. The difficulty springs from the impossibility of separating economic, political, religious and social motives for action. The practical minded writers on *Arthas'āstra* merely state their precepts or conclusions, without explaining the grounds or the principles from which they are derived. This is so with the European Cameralists also. Their theories of the State's sphere of action have also to be inferred from their rules. In the Indian State, freedom and regulation were intermixed. The duty was laid on the State to regulate production and consumption in accordance with the rules of caste and of the State's economic and political interests. Large scale undertakings were taken over by the State and worked under direct State management. But as such municipal enterprise did not establish a monopoly in the articles or services concerned,

[1] cf. *S'āntiparva*, 71, 10—बलिषष्ठेन शुल्केन दण्डेनाथापराधिनाम् । शास्त्रानीतेन लिप्सेत वेतनेन धनागमम् ॥ and S'ukra, I, 388 स्वभागभृत्या दास्यत्वे प्रजानं च नृपः कृतः ॥

[2] These are the heads of his lectures at Glasgow, now edited by Dr. Cannan.

scope was left for the play of competition, and private undertakings were allowed to compete with State undertakings. In the manufacture of salt and certain textiles, for example, the State factories did not displace private enterprise nor penalize it. State monopolies existed indeed in liquor, saffron, the precious metals, mining, oil and pearl fisheries; but, their justification rested on political grounds, just as the maintenance of State brothels and gambling dens was justified as an evil necesssity dictated by sanitary and police requirements. Outside the spheres of State monopoly there was no attempt to compete with or restrain the private producer. In the interests of the whole community, restrictions were laid on competition, by the State's regulation of interest, wages profits and tenants' and land-lords' dues. But even there, within the limits imposed by the State, there was to be unrestricted competition. The State's position therefore was that private liberty should be the rule, except where it had to be restrained and regulated either in the interests of the people themselves, or for the stability of the government and the State.

Following the literary practice of the age the functions of the State are suggested by Indian writers in picturesque metaphors. One such figure is that the king should act as a 'father' of his people, and in didactic works, the comparison is developed. Readers have seen in it a sign of the paternalistic attitude of the old Indian State. The German Cameralist openly advocated *paternalism*, and has come in for much adverse criticism on that ground. The suggestion of paternalism conveys the implication of a distrust in the capacity of the people to look after their own affairs. A paternal regime is therefore viewed as not only springing from a low view of human capacity and nature, but as aimed at keeping

the subjects, in the same low state of perpetual tutelage. Individualism builds, on the other hand, on a belief in the honesty and capacity of men. An opposition in aim and effect is perceived by modern writers between the individualistic and paternal ideals. In regard to the Germans three or four hundred years ago, their conditions were such as to make paternalism a blessing. The great masses of the Germans were infants—infants in knowledge, infants in experience, infants in feeling, infants in judgment about the conduct of life. They lived in straitened circumstance. No affluence of natural resources stimulated their ambition and allowed them to effort.[1] The dormant powers of the people could be roused and enlisted for the work of nation building only by methods comparable to military regimentation. Paternalism in fact and aim proved an arrangement suited to the conditions of the times and is deliberately advocated by even advanced Cameralists like Justi.[2] The conditions in ancient India, atleast of the time of the great empires, were not identical with these of Germany in the Cameralistic epoch. *Political* organization was only one of several competing and concurrent organizations. The legal and economic system of the Indian Cameralist discloses neither a distrust of the capacity of the average man nor of his honesty. The facile generalization that socio-religious systems are usually hostile to capitalism is disproved in ancient India where the necessity for capital was implicitly assumed and the regulation of interest was dictated by social and economic purposes and not by any hostility to capitalism. In the same manner, the utmost freedom of action compatible with the stability of the social order is allowed to individuals.[3] The attitude of the Indian

[1] *Small*, p. 594.
[2] *Ibid.*, 446; *Anc. Ind. Econ. Thought*, pp. 107-108.
[3] *Ibid.*, pp. 51-52, 140-142.

Cameralist in suggesting paternal treatment is therefore more a recommendation for the creation of benevolent and pious relations between the king and his subjects, as between father and sons, and in a suggestion of the unity of their common interest than a plea for a despotic repression of individual freedom. The elasticity of the paternal conception and its capacity to be applied to societies in different stages of economic or political evolution is illustrated by the difference in details between the German Cameralist and the Indian.

A collectivist interpretation of the ancient Indian State's aim is also opposed to facts. The institution of private property, even in land, and the absence of any attempt to redress economic inequality by the redistribution of wealth or by the penal taxation of the rich for the benefit of the poor, are anti-collectivist. The *Nītis'āstra* may occasionally have a fling at millionaires, but such criticisms are in no way anti-capitalistic.[1] They only serve to indicate that great wealth has great responsibilities and that mere hoarding is a social crime. The Indian States were indeed asked to step in to help the agriculturist and the artisan in diverse ways. Concessions and remissions are to be given freely to agriculturists. They are to be protected from any distractions, which will take them away from their work, from interruptions of their normal pursuits, from harassment by officials and social parasites, from arrest under the order of the civil courts and from the oppression of soldiers and policemen.[2] Similarly the duty is laid on the state to make roads, build bridges, maintain ferries over wide rivers, destroy wild beasts

[1] प्रजा हीनधना रक्ष्या भृत्या मध्यधनास्सदा । यथाधिकृत प्रतिभुवोऽधिकद्रव्यास्त-थोत्तमा: ॥ धनिकाश्चोत्तमधना न हीना नाधिका नृपै: ॥ (शुक्र, ४, २, २०-२१).

[2] याज्ञवल्क्य, १, ३३६.

and evil men, who harass peaceful subjects following their lawful occupations, construct great works of irrigation and drainage, improve river navigation and provide conveniences for merchants, both domestic and foreign.[1] Such duties which were willingly undertaken by the old Indian State, are really due to Cameral feeling of an *implied* partnership in all wealth-producing activities between the producer and the community or the State of which he is a unit and to the time-honoured truth, to which Kauṭilya and Henry IV of Navarre have paid homage in memorable words—of the identity of interest between ruler and subject. This idea of partnership extends to the ownership of wealth also, and will account equally for the obligation of merchants, artisans and agriculturists to pay taxes and subordinate their interests and properties to the ultimate ends of the partnership *i.e.*, the stability of the State. The duty is laid on the state to assist the people to become efficient producers and to live in a feeling of undisturbed security (*abhaya*). It is not the negation of the right of private property but its assertion, subject to and qualified by the ultimate and predominating interests of the community or State. This is the explanation of the Indian view of property in land. No theory of the State ownership of land will explain fully the mutual relations of the old Indian State and ryot. In extreme Cameral practice and theory, opinion under secular influence might urge the theory of state property in land and natural resources, as in the anonymous *s'loka* cited by Kauṭilya's commentator,[2] but the idea is resisted by all conservative writers on *Dharmas'āstra* and *Arthas'āstra*

[1] प्रजासुखे सुखं राज्ञः प्रजानां च हिते हितम् (अर्थ. शा., p. 39).

[2] Bhaṭṭasvāmin's bhāṣya on *Kauṭilīya*, ed. K. P. Jayaswal and A. Banerji Sastri, p. 138.

राजा भूमेर्पतिः दृष्टः

and by writers on *Mīmāmsa*.[1] In the correct view of the relation of property to the State, not only landed property but *all* property is regarded as mortgaged to the State, and to be available to the government in times of the State's dire necessity. The specific enumeration of curious and out-of-the-way devices for "balancing the budget" during years of unforeseen stress, like those described by Kauṭilya and Sukra,[2] and practised by grasping kings like S'aṅkaravarman of Kashmir,[3] imply, even apart from the rule that an emergency measure should not last beyond the emergency, that all other sources must be exhausted before the State laid its hand on the private land and the private capital of its subjects.

The State's duty to promote the material and moral welfare of the population is a natural deduction from the above assumption. A State is conceived as a perpetual partnership under the direction of a central authority for the doing of all lawful and beneficial things. The injunctions to kings to endow religion, to grant to religious institutions, in lieu of direct endowment, exemptions from taxation, to establish workhouses for the poor and to devise measures for the relief of poverty and suffering, to prevent the spread of epidemics and promote the cure of human ailments and to abolish poverty, unemployment and vagrancy, are corollaries of this idea and derive their justification from their importance to the social partnership.

The survey of the Indian conception of the respective sphere of State and individual action is thus virtually in accord not only with the views of Western Cameralists but the way of approach to these ideas is essentially Cameral.

[1] *Anc. Ind. Econ. Thought*, pp. 179-181.
[2] *Kauṭilīya*, p. 240 ; S'ukra, I, 209-210 ; V, 52-53 ; Somadeva, ch. 31.
[3] *Rājataraṅgiṇi*, V, 160-183.

The system of State finance devised by Cameral thinkers, whether of the East or of the West, may therefore present features of similarity. These resemblances exist. As Cameral ideas anticipated many modern views of finance and have often been praised therefor, so have Hindu theories of finance been described as " modern " in their outlook.

Certain features of the Cameral finance, Western or Indian, distinguish it from modern doctrines of finance and show the excellence of the former. In both, a tax is recognized as a compulsory contribution and as falling in the last instance on persons. In both, the collection of revenues by the State is to enable it to discharge its public functions.[1] It may be remembered that till a few years ago the expression " for the use of the public powers" used to be found in definitions of a tax, importing a constitutional idea into an economic definition. The implication is present in Indian theories of finance but it is not embodied in the conception of a tax. The point of cleavage is the different way of looking at the relation of income to expenditure. A tax is a necessary evil, and accordingly it has to be kept as low as is possible. But, the State must fulfil its functions fully and efficiently, and in order that it might do so it requires a revenue sufficient for its varying needs. It is the task of the modern financier so to raise such income as to meet the demands of obligatory expenditure, which has therefore to be first determined. The Indian financier hardly distinguishes the attitude of the housewife from the financier ; both must adjust their expenditure to their income. Normally proportions, from which the income is derived are unalterable, and expenditure therefore cannot be allowed to

[1] " Taxes must be levied upon all subjects with righteous equality, since all are equally under obligation in this connection, and all share in the protection and other benefits of the State " (Justi, *Small*, pp. 381-382).

exceed the income. The expenditure of the State should be planned, says Somadeva, so as not to outrun its income.[1] The selection of this point of view by the Indian statesman, will account for a cardinal defect in the Indian science of finance. While items of income or revenue are detailed fully, in Indian works, types of expenditure are not specified as clearly and precisely, making it appear that distribution between the different heads of expenditure is left to the unfettered discretion of the State, and under selfish rulers such distribution might be subject to capricious alteration. A vicious or war-like Indian king must of necessity starve all departments of the State, since he cannot increase his revenue with safety, and still must have enough to spend on inclinations.

Another difference between the modern economic and the Indian Cameral attitude consists in the recommendation of the latter to build up big state hoards from recurring annual surpluses. The Indian thinker realizes in the sphere of private economy, that the withdrawal of capital from productive enterprise—"fructifying in the pockets of the people"—(Adam Smith) is against sound economy. He forbade private hoarding by specific rules against Brāhmaṇa, Kṣatriya and S'ūdra. How did the application of the principle to the State then come to be overlooked? The explanation is to be found in the nervous dread entertained by old Indian financiers of State-bankruptcy and of their conviction that well-filled war-chests no less than efficient and powerful standing armies (*Maula*) were necessary to ensure the independence of States. Indian agriculture depends on seasonal rains. The

[1] Somadeva—आयानुरूपो व्यय: कार्य:, (24, 141); आयमनालोच्य व्ययमानो वैश्रवणोऽपि अवश्यं श्रमणायत एव (18, 10); अल्पायतिः महाव्ययो भक्षयति राजार्थम् (24, 44).

element of uncertainty is always present in financial systems dependent on agriculture, pursued under such conditions of uncertainty. In his indication of budget proportions, S'ukra suggests that about one half of the revenue from local or over one-sixth of the central collections should be put by.[1] If the latter alone be taken as indicating the proportion of annual surplus to go into a permanent war-insurance fund, the further precept of S'ukra that at any time a state must have enough surplus to meet the calls of twenty years will show that the proportion of annual saving is to be considerable. The rigorous persistence by States in the policy of securing recurring surpluses is a normal feature of Indian Cameral theory.

On the side of expenditure certain wise rules are laid down. State should expend in ways calculated to develop the strength of the people. It should promote science and learning by direct encouragement, in addition to social provision of a privileged and unpaid class of educational workers, among (the Brāhmaṇas) and such a rule as we find in a Cola inscription making the school-master's land tax-free.[2] The drift of the recommendations generally is to expend freely in nation building activities after securing independence. But, the indications furnished by the specified proportions and of items of expenditure to revenue, are that expenditure in these directions from the central fisc was not considerable. Still, it cannot be assumed that the contribution of the old Indian

[1] ग्रामस्य द्वादशांशेन ग्रामपान् संनियोजयेत् ।
त्रिभिरंशैर्बलं धार्यं दानधर्मांशकेन च ॥
अर्धांशेन प्रकृतयो ह्यर्धांशेनाधिकारिणः ।
अर्धांशेनात्मभोगश्च कोशोंऽशेन स रक्ष्यते ॥
आयस्यैवं षड्भागैः व्ययं कुर्यात्तु वत्सरे ॥ (शुक्र., १, ३१६-३१८).

[2] K. M. Gupta—*Land Systems in South India*, p. 303; Inscription of Rājendracola II, (A.D. 1072.)

community for such activities is represented solely by the direct State expenditure on them. Works of public utility, as well as rural and urban police and sanitary work, fell upon municipal bodies and villages and were not paid for by the State. The incidence of tax exemptions, such as those made in favour of Brāhmaṇas, temples, monasteries etc., is on the community as a whole. Nevertheless, the omission to develop fully and clearly the obligation of the State to expend in such directions may explain the neglect of national development in epochs of weak rule, and the low vitality and economic strength displayed by India during much of its history.

In measuring the pressure of a financial system on members of the different classes in the State, what they contribute indirectly in the upkeep of the social system, what they enjoy and what they suffer in the maintenance of privileges, have to be considered along with money payments made to the State. The Indian financier has a passion for precision, simplification, and detail. It accounts for such general injunctions as that salaries of all public servants should be paid promptly, that all State orders should be in writing, that the power and duties of the different departments should be clearly demarcated, that accurate statistics should be available not only of land surveys and fiscal collections, but in regard to types of consumption and that paying for services by grants of land or in assignments of land revenue (Jāgirs) [1] should never be allowed.

On the expenditure side, the biggest single item is that of defence, which absorbed in India half the gross collections according to S'ukra. That this should be so in Western Cameral countries is intelligible. But its presence in ancient

[1] Justi disapproves of the grant of an exemption from taxes as a reward of service (*Small*, p. 183).

India, in spite of the existence of the Kṣatriya class, may seem remarkable, but it is not. The Kṣatriyas were a privileged class and not an endowed body. A Kṣatriya public servant or soldier was paid like any other. In historical times the entry to the army was not restricted to members of this class. The Indian thinker who has advocated a living wage for the day labourer will not starve a soldier. The weak International Law of the time necessitated the maintenance, even in times of peace, of large armies such as we find specified in the Greek accounts and in Hiuen Tsiang's description of the military forces of the kingdoms he visited. The burden of armaments, accounts for the depression of the community as a whole, and for the many feeling appeals to avoid resort to war, to attain political ends as far as possible by diplomacy and to the pedantic elaboration of the theory of diplomacy in our literature.[1]

The normal income of the old Indian State has been placed by Kauṭilya under seven heads, roughly corresponding to the recognized seven elements of the State (*saptāṅga*).[2] The classification is arbitrary and is probably inherited from previous writers. Six out of the seven heads relate to income derived directly or indirectly from land. The crown lands were extensive, and constituted an important source of the the king's income. In an old type of half-developed State, the ruler has to be the first farmer. A big demesne enables a king to live to a great extent, 'of his own.' The land tax, derived either as a fixed share of the produce or in money at its commutation value, the money taxes (*bali*), income from ferries and tolls and from cesses, royalties from mines and pearl fisheries, income from water-rates imposed

[1] Beal, *Buddhist Records of the Western World*, passim.
[2] *Kautilīya*, p. 60.

on gardens and fields cultivated under State embankments, minor forest income, and traffic dues, are some items of public revenue. Among non-tax items, comes the revenue of State factories, tribute from vassal kings (*kara*), judicial fines, escheat, treasure trove, lump-payments made by villages as a whole, payments for feeding the army on the march, ceremonial presents to the king etc. There are also license fees of various kinds and the revenue from brothels and State gaming houses. The common feature of all such revenue is the reliance placed on indirect taxation, in which there is more scope for variety in percentages between the several authorities, than on the direct tax from land. Unconspicuous sources of revenue and revenue collection are favoured both by democratic and by quasi-absolutist politics. Popular discontent caused by visible increase in old taxes and by new taxes is a potential danger to a Government in the former and to the Ruler in the latter.

A typical scholastic outlook is useful for illustration and a passage of Medhātithi furnishes it. "The treasury should abound in gold and silver in large quantities. The chief contents of the treasury should never be expended, never should payments to servants be delayed. The kingdom and country are one. They should be protected against encroachment and against natural calamities by the supervision of rivers, trees and cattle, and by the construction of protective works. The country should not be allowed to depend wholly on rain." In times of distress, special penalties and taxes shall be levied.[1]

In regard to the State itself, in spite of the large military establishments, the Indian Cameralist envisaged it under civil

[1] नवीनकरशुल्काद्यैः लोक उद्विजते ततः, (शुक्र, २, २७४).

control. The Marshal of the kingdom must have no place in the cabinet. The master of the sword is not to be the master of policy. There is to be no military dictatorship, even after usurpation by a successful general, and this is to be ensured by the power and the permanence of the fiscal laws and of the bureaucracy. Hence their elaboration in the treatises of Kauṭilya and S'ukra as in Western Cameral works. The cost of the civil establishment is fixed by Kauṭilya at a fourth of the aggregate income (*Kauṭilīya*, p. 245). In grading salaries, (*Kauṭilīya*, Bk. V, ch. 3) the ruling principles of Kauṭilya are that a public servant should receive enough pay to keep him efficient, healthy, contented, and zealous ; and these principles are worked out by S'ukra to their natural corollaries in humane and sensible pension and leave rules, which will ensure to the State the services of a zealous and capable civil service.[1]

Emergencies are to be met in ways not involving the transgression of the rules fixing proportions for taxes. And the measures should be limited for use only in the emergency and should not be continued longer—a rule apparently ignored, to judge from the multiplicity of novel taxes met with again and again in the inscriptions. Forced loans, "free-will" gifts, the substitution of shorter for longer measures of land so as to increase the proportions of the yield to be collected,[2] salary cuts,[3] temporary appropriation or use of religious and charitable endowments, and the resources of wealthy and childless widows, contributions from corporate organizations and well-to-do subjects, and officers,[4] are indicated, side by

[1] *Sukra*, II, 407-417; *Anc. Ind. Econ. Thought*, pp. 110-112.

[2] *Ibid.*, I, 209-210.

[3] *Ibid.*, V, 52-53.

[4] Somadeva, 21, 14.

side with increased excise and customs duties as well as income-taxes from merchants, actors, prostitutes and purveyors of public amusements.[1] A legitimate device which is suggested is to induce cultivators to increase the area under crop and to grow summer crops, and tax the additional land income.[2] The sale of honours [3] and the confiscation of ecclesiastical property [4] are questionable methods which will be justified by emergency and in periods of *Brāhmaṇa-Bauddha* rivalry.[5] The State may even stoop to make money by exploiting the pious credulity of people and set up oracles and idols which pretend to work miracles and collect the offerings made to them by credulous folk.[6] The sarcastic reference of Patañjali to the Mauryas having made an income by setting up idols, apparently refers to this questionable expedient.[7] The debasement of the currency and the levy of excessive

[1] *Arthas'āstra*, pp. 242-245 for questionable means of replenishing the King's depleted treasury. Brothel keepers (*vardhakipoṣakāḥ*) and prostitutes are among those to be taxed. Goldsmiths are to the treated almost vindictively (न चैषां कश्चिदपराधं परिहरेयुः ते हि अपरगृहीतमभिनीय विक्रीणीरन्, p. 241).

[2] समाहर्तृपुरुषा: ग्रीष्मे कर्षकाणामुद्वापं कारयेयुः (*Ibid.*, p. 240.)

[3] सारतो वा हिरण्याद्यान्याचेत । यथोपकारं वा स्ववशा वा यदुपहरेयुः स्थानछत्रवेष्टनविभूषांश्चैषां हिरण्येन प्रयच्छेत् । (*Ibid.*, p. 242).

[4] देवताध्यक्षो दुर्गराष्ट्रदेवतानां यथास्वमेकस्थं कोशं कुर्यात्, तथैव चाहरेत् (*Ibid.*, p. 242).

[5] But such actions are not to be done more than once, rules Kauṭilya (p. 241)—सकृदेव न द्विः प्रयोज्यः ।

[6] दैवतचैत्यं सिद्धपुण्यस्थानमौपपादिकं वा रात्रावुत्थाप्य यात्रासमाजाभ्यां आजीवेत् । चैत्योपवनवृक्षेण वा देवताभिगमनार्तवपुष्पफलयुक्तेन ख्यापयेत । मनुष्यकरं वा वृक्षे रक्षोभयं रूपयित्वा सिद्धव्यञ्जनाः पौरजानपदानां हिरण्येन प्रतिकुर्युः । (*Ibid.*, p. 242).

[7] जीविकार्थे चापण्ये । (५-३-९९) 'अपण्यं' इत्युच्यते । तत्रेदं न सिध्यति । शिवः स्कन्दः विशाख इति । किं कारणम् । मौर्यैर्हिरण्यार्थिभिरर्चाः प्रकल्पिताः भवेत्तासु न स्यात् । यास्त्वेताः संप्रति पूजार्थास्तासु भविष्यति । *Mahābhāṣya.*

taxes on furs and skins, in which there was a brisk trade in the Mauryan kingdoms are other abnormal means alluded to by Patañjali as adopted by the Mauryan State, but they are not mentioned by Kauṭilya.

Postulates of Public Finance

Can any common principle be discerned in the financial practices of the old State as set forth in the inscriptions or recommended by our writers? We are under no necessity to *infer* them, as they are enunciated in precepts often concealed in quaint metaphors. The king should be as the wise-gardener, who gathers fruit only as they ripen (Kauṭilya) and does not dig up trees by the roots.[1] The implication of the rule is that income should be taxed when it accrues, and the subjects should not be destroyed by violent taxation. The king should imitate the cowherd, who refrains from milking the cow and drawing blood, who does not tear the udder, and who leaves enough milk in the udder to feed the calf and induce the cow by maternal affection to continue secreting milk.[2] The implications are that taxation should not commandeer the entire

[1] पक्वं पक्वमिवारामात् फलं राज्यादवाप्नुयात् ।
आमच्छेदभयादामं वर्जयेत्कोपकारकम् ॥ (p. 244).

[2] वत्सौपम्येन दोग्धव्यं राष्ट्रमक्षीणबुद्धिना ।
भृतो वत्सो जातबलः पीडां सहति भारत ॥
न कर्म कुरुते वत्सो भृशं दुग्धो युधिष्ठिर ।
राष्ट्रमप्यतिदुग्धं हि न कर्म कुरुते महत् ॥ (शान्तिपर्व, ८७, २०-२१)
वत्सापेक्षी दुहेच्चैव स्तनांश्च न विघट्टयेत् । (*Ibid.*, ८८, ४).
ऊधश्छिन्द्यात्तु यो धेन्वाः क्षीरार्थी न लभेत्पयः ॥
एवं राष्ट्रमयोगेन पीडितं न विवर्धते ॥ (*Ibid.* ७१, १६).

income of the subject, but must leave enough in his pockets to induce him to save, and that the methods of tax collection should be free from harshness. Like the bee, the wise king will collect his revenue little by little from a thousand sources.[1] Like the leech he should draw blood without pain, and bleed only the plethoric.[2] Like the mouse, he should nibble at the extremities without detection, a suggestion that collection should be insensible and free from conspicuousness.[3] The garland-maker collects flowers from many plants, after tending and watering the plants.[4] The State should imitate the ascetic's drinking-pot (*Kamaṇḍalu*) which has a wide mouth and a narrow spout a suggestion that the inlet for revenue should be wide and for expenditure narrow. The king should not be like the glutton, who stuffs himself to his own detriment and to that of others and consumes more than he needs. He should not be like the charcoal burner, who burns down a forest to get a handful of fuel—*i.e.*, the king should not destroy his chances of great future advantage for a petty immediate gain.

Such figures may be multiplied. They are rules of taxes than of taxation and inculcate the wisdom of following the canons of convenience, certainty and economy. There is no canon of equality. Equality in the sense of equality of sacrifice is obviously difficult to secure in any tax system. But, in

[1] मधुदोहं दुहेद्राष्ट्रं भ्रमरान्न प्रपातयेत् (*Ibid.*, ८८, ४).

[2] जलौकवत्पिबेद्राष्ट्रं मृदुनैव नराधिपः । व्याघ्रीव च हरेत्पुत्रान् संदशेन्न च पीडयेत् ॥

[3] यथा शल्यंकवानाखुः पदं धूनयते सदा । अतीक्ष्णेनाभ्युपायेन तथा राष्ट्रं समापिबेत् ॥ (*Ibid.*, ८८, ५-६).

[4] मालाकारोपमो राजन् भव माऽङ्गारिकोपमः ॥ (*Ibid.*, ७१, २०).

ancient India it existed theoretically atleast, in the accepted social order, which it was the recognized duty of the State to maintain. The dependence on indirect rather than direct taxation indicates the desire for fiscal elasticity. The use of the fisc for ethical purposes may be seen in the regulation of the liquor traffic, of gambling and of houses of ill-fame. If an evil cannot be rooted out, its influence is to be restricted by regulation. The law of treasure-trove and mines is due not only to the belief in the State's rights to unclaimed wealth, but to tax potential or undeveloped resources. The financial aim is always the promotion of political and social stability. It is easy to give parallels to these Indian financial concepts from the Cameral literature of the West but it is hardly necessary now as identical results followed in both the West and the East from a common outlook.

CAUSES OF THE GROWTH AND DECAY OF CAMERALISM

It will be of interest to compare the causes which promoted or retarded the influence of Cameral thought in India and the West. A change in the political centre of gravity in the West, atleast in theory, in the epochs following the French Revolution, cut at the root of Cameral assumptions. Till the dawn of the socialist regime in recent years, the magnification of the State above the individual was unpopular. Modern Economics, claiming the *Wealth of Nations* as its source, found its way to the Continent and quickly replaced the older Cameral teaching by virtue of its greater modernity and its political liberalism. In India, the influence of sociological writers grew or waned with the rise or fall of stable governments. The impact of foreign invasion destroyed Indian kingdoms and the patrons of Hindu S'āstras. The terrible

suffering inflicted on the people by the harsh rule of barbarian conquerors, Scythian or Hun, developed again from an acute sense of misery, the passion for ascetic ideals, which were reflected in the favoured cults of the dynasties like the Bhāras'iva and the Nāgas under whom the national revolts against the evil of foreign domination were raised. When settled order supervened, with the rise of the Imperial Guptas, and ascetic ideals gave place to the bases of material comfort and worldly ambition, the new political outlook diverged away from that of the earlier *Arthas'āstra* by substituting conquests by arms, like those of Samudragupta and Candragupta to those by negotiation. The wail of the Purāṇas, which can be heard even amidst the triumphant paeans of Gupta imperialism and poetry, show how at heart the exponent of the old ideals of *Dharmas'āstra* and *Arthas'āstra* fell out of sympathy with the new imperialism. Neither the old national administrative system nor the old schools of *independent* social thought had apparently survived the epochs of foreign tyranny. The persistence in the community of powerful elements disbelieving in the religio-social implications of the old writings and not sharing their pride in the Aryan tradition, contributed to the acceptance of secular motives in the place of the old mixed religious and secular aims. Thus, in spite of the service rendered to a society, which was constantly tending to break up, by keeping it together through ages of foreign attack and domination, Indian Cameral thought, which had exalted the State in order to save society, was permanently thrust into the background and was soon forgotten. When the renaissance of Indian studies in our own day revived an interest in our own literature, a misconception of the character and outlook of our old literature of *Arthas'āstra* led to its *comprehensive*

Cameral aims being overlooked, and narrowed to their political or economic elements and to the inadequate appreciation of its historical position and services.

We live in times in which the old faith in the virtue of individualism and democracy, and of a society placing mass production and machinery in the front rank of the means of economic regeneration and secular views as the indispensable conditions of the political and intellectual emancipation of man, have been shaken, and the ideas which were germinal in the last century are being subjected to criticism. The diseases of the modern State are attributed to features on which the prosperity of the nineteenth century was believed to have been based. Democracy has not effaced distinctions of class and property. If happiness be, as urged by Mr. Leonard Woolf, the aim of social organization, modern democracy has not realized it for every one. The survival of liberty depends upon the extension of education and upon discipline and spiritual training as educational purposes. The ideal of an efficient and glorious State, in which equality of opportunity for service is afforded to every one, and happiness means service, is claimed for such different institutions as a Soviet, exercising supreme control over all individual activities and of a Fascist Dictatorship. The ideal of the nineteenth century had been the production of more wealth. To secure wealth, countries were industrialized and the process of production mechanized. To maintain the colossal increase in production, a progression of wants was sought and stimulated. Today, in a crippled world, we recognize that the industrial plan of the nineteenth century resulted in a misfit. The interest of members of society as workers taking pride in their work has been subordinated to their interests as consumers. A stage has been reached beyond

which standards of consumption cannot be raised, and production has crashed. Modern society has created new health problems, the solution of which requires an intense feeling of social service. Communal action to solve modern problems is extending the sphere of State action. But, society is still imperfectly organized for social service. The substitution of the worship of humanity for religion has led to inhumanity. It is urged that the sense of freedom and variety of opportunity which the members of a political society require can only be secured, when it is made independent of foreign help for the necessaries of life. Even those who condemn the beehive ideal of social organization are unable to suggest a better. Even secularists concede the survival value of religious institutions, and the religious sublimation of the animal instincts and appetites, which civilization has neither curbed nor controlled.[1]

In such times, the historical interpretation of old systems of social thought, such as may result from a comparative study with their analogues, may help us to realize how social institutions have to be adjusted to the needs of the times, and how systems of thought have to be interpreted in connection with their peculiar purposes. The old Indian literature, to which by analogy the Cameral designation has been suggested may still be of value. Let us consider its skilful adaptation of means to ends, its logical deduction of rules of conduct from its socio-religious hypothesis, and its attempt to combine ethical, political, and economic purposes in individual and social action. The attempt to view their teachings in their natural perspective and to interpret them in relation to our times as well as theirs might help in the dawn of the brighter day for

[1] See Lord Eustace Percy, *Government in Transition*, 1934, ch. IX and X.

which we all wait and hope, to suggest ideas and plans for pursuing social study and action in interdependence rather than isolation, and to bring about a synthesis of effort which will correspond with the unity of the human mind, outlook and history. In the attempt to achieve such ends, studies like those we have attempted may have their use.

INDEX

A

ABHYANKAR, 133
Adam Smith, 2, 3, 4, 6, 9, 15; Sociology called Jurisprudence by, 15; 16, 54, 55, 67, 88, 125, 128, 148
Aggaṇṇa Suttanta, 95
Aitareya Brāhmaṇa, on dharma, 31, 95
Alexander, invasion of, 22
Āmbhīyah, 37
Amara, 25
Anarchy, Horror of, 96
Ancient India, 20
Ancient Indian Polity, 20, 23, 119, 132
Ancient Indian Economic Thought, 31, 35, 68, 72, 79, 95, 97, 128, 130, 131, 132, 134, 136, 139, 142, 143, 144, 145, 149, 151, 152, 158, 161, 168
Ancient Law, 48
Ancient Sanskrit Literature, 30
Annual Report For Epigraphy, Madras (1920-1), 81
Aparārka, 68, 120
Āpastamba, 30, 33, 50, 74, 77, 140
Apostate, Reconversion of, 52
Army, 115
Artha, ascetic trend of, 132; as part of Trivarga, 31
Artha and Dharma, affinities of 32; rivalry of 33; secularism of 34; method of works in 47; separate study of works in 50, scope of 131;
Arthas'āstra—alleged absence of philosophic or religious background in, 7; comparative study with dharmas'āstra, 17; and need for, 18,; as part of Itihāsa, 29; as an appendage to Atharva Veda, 29; classified as sixth veda by Lakṣmīdhara—30; 32; 35; definition by S'ukra, 36; equated with Nīti, 36-7; 40, 41, 42, 43, 44; liberal views of, 46; non-brahman origin of, 49; 50; cause of influence of, 51; adaptability of, 52; a closed science, 53; 61, 62, 67, 72, 73, 74, 77, 81, 84, 85; genesis of, 90; 92, 93, 94, 96, 100, 102, 104, 105, 113, 114, 115, 116, 117, 119, 120, 121, 122, 123 124, 125, 127, 130, 132, 133, 135, 136, 138, 140, 142, 144, 145, 146, 150, 160, 169
Arthasūtra of Bṛhaspati, 37
Āryadeva, 100
Astrology, addiction to, condemned, 40
Asahāya, 109, 110
Ashley, 48

As'oka, 107, 108
Atharvaveda, 29, 30
Audit, 118
Aus'anasāḥ, 37

B

BĀṆA, 78
Bannerjee, Guroodoss, 73
Bārhaspatyāḥ, 37
Barter, 148
Baudhāyana, 33, 50, 70, 77, 140
Beal, 166
Becher, on kingship, 9
Bengal Economic Journal, 5
Bhagawan Das, 31
Bhagavadgītā, 71
Bharadvāja, 23, 26
Bhāradvāja, (Droṇācarya), 37
Bhāras'ivas, 91
Bhaṭṭasvāmin, 160
Bhaviṣyapurāṇa, 28
Bhela, 20
Bhīṣma, (see also Kauṇapdanta), 51
Bhṛgu, 27, 28
Blunstschli, denied originality to cameralism, 1
Bodin, on Money, 15, 61
Brahmacarya, 58, 61-65 ; effect of, 63
Bribes, 117
Brāhmaṇa, precedence in audience to, 34 ; king to respect immunity from taxation of, 43 ; compelling interdicted food to a, an offence, 44 ; longer duration of schooling for, 66 ; 76 ; his property does not escheat to king, 76 ; exempt from taxes, 76 ; low rate of interest for, 76 ; disabilities of, 76 ; praise of, 78 ; poverty of, 79 ; undue tenderness of criminal law to—denied, 79 ; slaying a Brāhmaṇa in self-defence, 80
Bṛhaspati, 26, 27, 28, 49, 50, 51, 82, 91, 106, 112, 124
Buddha, 66, 82
Buddhism in Transition, 58, 82
Buddhist Records of the Western World, 166
Burke, E., 86

C

CALVIN, 61, 79
Cameralism, neglect of, 1 ; historical, 2 ; recent revival of interest in 2 ; Indian analogues to, 6 ; Small's conception of 7 ; Cannan's, 8 ; theory of both Economics and Politics, 12 : and modern state, 15 ; and monarchy, 8, 10 ; 11, 12 ; two phases of 13 ; national services of 13, 19 ; and mercantalism, 14 ; attitude to absolutism, 12 ; fertility of Indian, 22 ; composite nature of, 23 ; literature of, 25 ; traditional origin of, 26 ; significance of, 28 ; comparison of western and eastern, 54 ; cameral sociology—definition of, 37 ; postulates of Indian, 57 ; cameral polity and law, 87, 127 ; sociological aspect of Indian, 16 ; value of comparative study of, 17 ; practical nature of Indian, 21 ; political theory of German cameralists, 87 ; cameral aims of state, 89 ; comparison with Arthas'āstra, 90
Cameral Thought, widespread Influence of, 4
Cameralists The, 1, 3
Candragupta, 91, 166

Cannan, Dr., 3 ; view of cameralism, 8 ; 16, 156
Capital, 148 ; see Hoarding
Caṇḍes'vara, 49, 53, 103
Caraka, 20
Caraṇavyūha, 29
Cārāyaṇa, 23
Caste and office, 81
Catus's'atītīkā, 100
Chakladhar, H. C., 72, 79
Chāndogya Upaniṣad, 31
Citizenship, 126
Corruption, 117
Corporate organizations, 122
Courts, common law and cannon law, 39
Coyagee, Sir J. C., 5
Crime Its Causes and Remedies, 69
Cunningham, 48

D

DANḌA, 94
Daṇḍanīti, definition of, 25 ; 35, 36
Daṇḍin, 118
Darjes, 9, 120
Dasakumāracarita, 118
Dāyabhāga, 141
Debts, 69, 70 ; repayment of, 121
Devas, C. S., 130
Devalasmṛti, 52
Dhāres'vara, 49
Dharmas'āstra—artha content of, 50
Dharmas'āstra, and Arthas'āstra, method of, 47
Dharmasthīya, 59, 111
Dharma Vijaya, 93
Dialogues of the Buddha, 20
Dictionary of Political Economy, 79
Dighanikāya, 95
Diplomacy, 116
Distribution, 151
Divorce, 40, 42, 67
Droṇa, 33, 51

E

Economic History, 4
Economic History of Frederick the Great, 2
Encylopaedia of Social Sciences, Vol. III, 3
Economics and Sociology, 16
Elephants, not to be killed, 124
Epistles, 89
Ernst of Gotha, Duke, 9
Escheat, property of Brāhmaṇas does not escheat to King, 74 ; 97
Exchange, 149
Exchequer, 118

F

FAMILY and individual, 72 ; as an economic unit, 140 ; see Joint fanily
Fletcher, Prof., 4
Founders of Political Economy, 4
Frederick the Great, 9
Fuehrer, A.A., 78

G

GĀRHASTHYA, 58, 60, 67
Gauras'iras, 26
Gautama, 33, 50, 80, 70, 96, 120, 122, 140, 142, 143, 152
Ghoṭamukha, 23, 37
Govindacandra, king, 30
Government in Transition, 175
Grotius, 2 ; on freedom, 88
Group organizations, 122
Guilds, 122
Gupta, K.M., 164

H

HANEY, L.H., 8
Hārīta, 39, 49
Harṣacarita, 78
Harṣavardhana, 78
Henry IV, 160
Heretics, tolerance of 34; precedence in audience to, 34; not an example to follow, 35; land owned by, 43; treatment of a heretic mother, 74; 124
Heresy, attitude to, 62
Hindu Law and Custom, 138
Hindu Political Theories, 95
Hindu Political Thought, 99
Hindu Polity, II, 95
Hindu Sociology, 45
Historical Enquiry into National Economy, 1
History of Dharmas'āstra, II, 52
History of Economic Thought, 8
History of Hindu Law, 138
History of National Economy in Germany, 1
Hoarding, 152
Hofkammer, 8

I

ILBERT, 4
Innsbruck, 8
Interest, 76, 122

J

JANSEN, 87
Jayaswal, K.P., 30, 52, 66, 69, 78, 91, 95, 107
Jīmutavāhana, 141
Joint family, as automatic poor relief, 141
Jolly, J., 105, 109, 138
Justi, 9; on the value of religion, 10; 11, 54, 55, 56, 65, 88, 162, 165

K

KĀMANDAKA, 22, 37, 56, 96; on kingship, 98
Kāmandakīya, 116, 117
Kāmsūtra, 23, 28, 32, 72, 74, 79, 142
Kane, P.V., 52, 111
Kaṇṭakas'odhana, 39, 111
Kātyāyana, 37
Kātyāyanasmṛtisāroddhara, 111
Kauṇapadanta, 37
Kaus'ikasūtra, 30
Kauṭilīya—effects of the discovery of, 5; 121, 127, 132, 134, 136, 147, 161, 166
Kauṭilya, condemns a fatalist king, 11; 17, 20, 21, 22, 23; on Vidyas, 29; on trivarga, 32; 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 46, 47, 48, 49, 51, 53, 54, 55, 62, 66, 67, 68, 69, 70, 73, 75, 77, 80, 84, 90, 91, 92, 97, 101, 102, 104, 106, 110, 111, 112; on the strength of the Council, 115; 116, 117, 118, 119, 120, 132, 140, 145, 146, 149, 160, 170
Kautz, 1
Kāvyapuruṣa, 29
King, as the maker of the age, 45, glorification of, 96; checks on absolutism of, 99; in Council, 112; anarchy decried, 96; power to make new law, 103; income from demesne, 166
Kiñjalka, 37
Kṛpa, 33
Kṛtyakalpataru, 30
Kṣatriya, position of, 81,-83
Kṣīrasvāmi, 25

L

LABOUR, 145
Lakṣmīdhara, arthas'āstra as sixth veda, 30
Lalor, J. G., 1
Law, civil, 119 ; criminal, 123
Law Commissions, 109
Law and Custom of Hindoo Castes, 110
Law of Nations, 55
Law, power to make, 103 ; scrappiness of, in smrtis, 110 ; civil, 119 ; criminal, 123
Learning, gains of, 120
Lectures on Justice, Police, Revenue and Arms, 3, 6, 15, 125
Lewinski, 4
Liberty and citizenship, 126, 127
Limitation, law of, 121
Lokāyata, 40, 41, 45
Lombroso, 69
Luther, 61

M

MACHIAVELLI, 40, 54
Mahābharata, 29, 30, 41, 82, 100, 126 ; sabhāparva, 143 ; s'alyaparva, 77; s'āntiparva, 25, 26, 27, 32, 93, 94, 96, 100, 101, 119, 126, 133, 156, 170, 171
Mahābhāṣya, 169
Mahāvīra, 82
Maine, Sir Henry, 4, 6 ; denies historicity to smṛtis, 48
Majority, age for, 146
Malthus, 65
Mānavāḥ, 37
Mandalik, V.N., 28
Mantrayuddha, 117
Manu and Yājñavalkya, 52, 66, 69, 104
Manu-Prācetasa, 26
Manusmṛti, origin of 27 ; 30 ; on trivarga, 32 ; 33, 40, 49, 50, 52, 57, 58, 59, 61, 62, 64, 66, 67, 68, 70, 75, 76, 77, 78, 79, 80 ; 91, 97, 98, 99, 101, 104, 107, 111, 112, 114, 117, 120, 121, 123, 138, 140, 142, 143, 146, 147, 148, 149
Manu Svāyambhuva, 27, 28
Marchet, upheld cameralism as a study of Politics and administration, 3
Mārkaṇdeya, 27
Marriage, attitude to, 65 ; life in, 67 ; a sacrament, 40 ; 69 ; and strīdhana, 73
Maria Theresa, 9
Marshall, Dr., 139
Matsyapurāṇa, 32
Mauryan Polity, 39, 93, 117, 119
Maxmillian, 8
Maxmuller, 30, 133
Medhātithi, 25 ; on classification of dharma, 31 ; 42, 107, 108 ; on booty in war, 116, 145, 167
Mercantalism, absent in India, 131 ; identified with cameralism, 2, 131
Mill, J. S., 130
Mitākṣarā, 25, 50, 68, 74, 81, 107, 141
Monopoly, 132
Montesquieu, 2, 4, 62
Mortmain, 80

N

NANDI, 28
Nārada—see also Pis'una, 42
Nāradasmṛti, 27, 28, 49, 50, 98, 104, 105, 111, 134, 144, 148
Natural History, 132

Nielson, 3
Niyoga, condemned by Manu, 68
Nītisāra, 22, 37, 56
Nitis'āstra, alleged absence of philosophic and religious background of, 7 ; 25
Nītivākyāmṛta, 56, 82, 97, 98, 100, 114, 137, 143

O

OBRECHT, 11, 19
Official Secrecy, 117
Old Testament, 9
Ordeals, 42
Osse, 8

P

PALGRAVE, 79
Pārāsarāḥ, 37
Parāsarasmṛti, 37 ; for the kali age, 52, 92
Parās'aras (astronomers), 23
Parāsara Mādhavīya, 108
Pariṣads, 109
Patañjali, 23, 168
Paternalism, 157
Payne, 86
People, importance of, 102
Percy, Lord Eustace, 175
Periplus of the Erythrean Sea, 132
Pis'una, 37
Pizzagalli, 45
Pliny, 132
Polygamy, 71
Pope, 89
Population, 65, 69, 70
Poverty, a curse, 133
Pratāparudra Gajapati, 49
Profits, 152
Property, limitation of, 139, 180 ; self-acquired, 141 ; as theft, 142
Public Finance, 154
Punjab Customary Law, 110
Purohita, as judge, 38 ; not one of the seven Prakṛtis, 39 ; as a minister, 41
Puṣyamitra, 78

R

Raghuvaṁs'a, 30, 82
Rājanīti, 25
Rajanītiratnākara, 30, 53, 103
Rājas'ekhara, on kāvyapuruṣa, 29
Rājataraṅgiṇī, 80, 102, 161,
Rājendra Cola, 164
Ramachandra Dikshitar, V. R., 39, 93, 117, 119
Ramāyaṇa, Ayodhyākāṇḍa, 96
Ranke, merged Cameralism with Economics, 1
Rapson, 20
Reflections on the French Revolution, 86
Reformation, 8, 19
Rent, 152
Review of Economic Theory, 8
Rock Edicts, 107
Rohr, 120
Roscher, stressed economic aspect of Cameralism, 1, 2
Royal Prussian Academy, 1

S

SALVAGE, 151
Sarkar, B.K., 45
Sarvadars'anasamgraha, 133
S'aunaka, 29
Schmoller, 2
Schoff, 132
Schroder, 9, 120
Science of Social Organization, 31
Seckendorff, 6, 8, 9

Secret service, 119
Sen, A.K., 99
Shama Sastri, 105, 119
Sidgwick, 130
S'iva (Vis'ālākṣa), 26
Six Systems of Indian Philosophy, 133
Slavery, treatment of slaves, 47; 120, 139
Small, A.W., 1, 2, 3, 5, 6, 7, 9, 10, 11, 19, 88, 89, 120, 158, 162, 165
Smṛticandrikā, 68, 108
Social Compact, 100
Social Life in Ancient India, 72, 79
Social Postulates, 86
Social Sciences, unity and interdependence of (Indian), 129
Sociology, Indian literature in, 16
Somadeva, treatise of, mainly ethical 49; 56, 82, 99, 100; sword not to control policy, 114; 124, 126, 143, 161, 163, 168
Sommer, Louise, 3
Sonnenfels, on religion, 10
Sorel, 4
Spann, Othmar, 2
Spirit of Laws, 4, 62
State, Cameral aims of 89; Indian theory of origin of, 93, 136; province of 154; aim of Indian, 154; also see Anarchy
Steele, 110
Strīdhana, 73, 138, 151
S'ūdra, masquerading as a Brāhmaṇa, punished, 43; position of, 83-85
S'uicide, to be punished, 43
S'ukranīti, 21, 26, 27, 36, 37; secularism of, 44; 45, 47, 48, 49, 50, 51, 54, 55, 74, 81, 82, 83, 85, 95, 96, 97, 98, 100, 101, 102, 104, 108, 111, 116, 119, 125, 134, 140, 141, 142, 143, 148, 150, 152, 153, 156, 158, 159, 161, 162, 164, 167, 168
Sully, 120
Sumati Bhārgava, 27
Sus'ruta, 20

T

Taittarīyasamhitā, 59
Taxes—exemption from, 97, 164, 165; paid in money, 148
Theory of Moral Sentiments, 6
Thirty Years War, 8, 87
Todar Mal, 49
Trade, foreign, 150
Triple Debt, doctrine of, 59
Trivarga, concept of, 31, 37, 47
Tupper, Sir Charles, 110
Types of Economic Theory, 2

U

UDDHAVA, see Vātavyādhi 51,
Usury, 147
Utthāna, 41

V

VAIS'YA, 83
Vākāṭakas, 91
Varṇāsaramadharma, to be maintained, 44; ordained divinely, 58-61; 75, 136
Vārtā, 29, 34, 35, 36
Vasiṣṭha (Atharvanidhi), 30
Vasiṣṭhasmṛti, 50, 70, 76, 91, 120, 141
Vātavyādhi, 37
Vātsyāyana, 28, 72, 79, 83
Vienna, 8
Vijigīṣu, 93
Vijñānesvara, 50

Vis'ālākṣa 37
Viṣṇusmṛti, 50, 78, 91, 148
Viṣṭi, 135
Vis'uddhimagga, 82
Vis'varūpa, 68
Vyāsa, 120

W

WAGES, low deprecated by S'ukra, 153
Walker, F. A., 130
Warren, H.C., 58, 82
Wealth of Nations, 2, 3, 15, 16, 55, 130, 172
Women, treatment of, 46 ; position of, 73 ; free women, 69
Woolf, Leonard, 174

Y

Yājñavalkyasmṛti, 25, 33, 68, 74, 75, 77, 79, 91, 97, 101, 103, 111, 118, 119, 120, 121, 122, 138, 140, 142, 143, 154
Yogi—Yājñavalkya, 60

Z

ZIELENZIGER, 3
Zincke, 9, 120